

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

220

**CRM-M-39118-2020
Date of decision: 12.01.2021**

Vikrant @ Vicky

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Prabhjeet Singh Sullar, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 56 dated 14.03.2019 registered under Sections 307 and 427 read with Section 34 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 at Police Station Sadar Narnaul, District Mahendergarh.

The above said FIR was registered on complaint of Pardeep Kaushik. In his complaint Pardeep Kaushik alleged that on 13.03.2019 at 8:00 p.m. when he along with his staff Vinay Kashyap, Sughan Singh and Rahul was present in his Restaurant then Leela Ram @ Padarh along with one young boy came on motorcycle and Leela Ram @ Padarh fired with the intention to kill him. The gun shot hit on

the window/glass of the main gate of his restaurant and Vinay Kashyap who was sitting on the counter got injured.

The petitioner being in custody since the date of his arrest has filed the present petition for grant of regular bail.

The petition has been opposed by learned State Counsel in terms of reply filed by way of affidavit of Narender Kumar, HPS, Deputy Superintendent of Police, Narnaul, District Mahendergarh (Haryana) in the Registry which is taken on record.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner was not named in the FIR. The petitioner was involved in the case on the basis of supplementary statement of the complainant. As per the statement Yogesh, Vicky, the petitioner and Subhash conspired and Nazim and Bulia fired and vandalised the restaurant. The police investigated the case and on completion of the investigation, the police had filed chargesheet. Leela Ram @ Padarh who was named by the complainant in the complaint to have fired the gun shot was exonerated. No overt act or involvement at the time and place of occurrence have been attributed to the petitioner and no recovery was made from his possession. The material witnesses Pardeep Kaushik, Vinay Kashyap, Sughan Singh and Rahul turned hostile and co-accused Nazim, Subhash and Yogesh were acquitted vide judgment dated 16.12.2019. The petitioner was wrongly declared proclaimed offender on 21.12.2019. The petitioner was arrested on 13.08.2020 and is in custody since then. The trial is likely to take long time due to restrictions imposed to

prevent the spread of infection of Covid-19 and no useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has submitted that the petitioner committed heinous offence. The petitioner is also involved in 12 other cases. In view of the nature of accusation and gravity of offence, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

The involvement of the petitioner in other cases is not by itself a ground to reject the bail application and the question of grant of bail to the petitioner has to be considered on the facts and circumstances of the present case. In view of the facts and circumstances of the case, the nature of accusation and evidence against the petitioner, the fact that co-accused have been acquitted vide judgment dated 16.12.2019 and that the trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

12.01.2021
Vishal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No