

CRM-M-41801-2020

Date of Decision: 09.03.2021

Aashish @ Ashu

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Mayank Gupta, Advocate,
for the petitioner.

Mr. Dhruv Sheoran, D.A.G., Haryana.

Mr. Abhimanyu Batra, Advocate,
for the complainant.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

By this petition, filed under the provisions of Section 439 of the Cr.P.C., the petitioner seeks the concession of regular bail, upon FIR no.0371, dated 13.11.2019, having been registered at Police Station Jind Sadar, District Jind, alleging therein the commission of an offence punishable under Section 307 of the IPC and Section 25 of the Arms Act, 1959.

A reply has been filed by the respondent-State, firstly of course enumerating therein the three other cases registered against the petitioner, in which it is seen that though he was acquitted of the charges framed against him in one case for the commission of an offence punishable under the provisions of Section 307 of the IPC, as also in one that concerns a “lesser offence”; with there being one other case pending against him in which he is under trial.

That apart, it has been stated that in fact the complainant Naveen and the injured Parveen, have specifically stated that they were forced into a compromise in the '*Panchayat*', which was written in English and in any case they did not understand it.

Learned counsel for the complainant also appears and denies the factum of the compromise.

That being so, with this being one filed under the provisions of Section 439 of the IPC seeking bail for the petitioner, with the allegation being that in fact the complainants' companion was shot in the chest, I would see no reason to admit the petitioner to bail, with even the complainant and other injured not having been examined so far.

Consequently, this petition is dismissed, at this stage.

However, the trial court is directed to ensure that the complainant and any other person injured, and other material witnesses, are examined at the outset, with the petitioner already having been in custody since 2019.

It is made clear that nothing observed hereinabove will be taken to be a comment on the merits of the case for or against the petitioner, which would be wholly gone into by the trial court on the basis of evidence led before it.

March 09, 2021
nitin

Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)
JUDGE

Yes
No.