

235

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

**CRM-M No.42158 of 2020(O&M)
Date of Decision: 06.09.2021**

Jitender

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. S.N. Pillania, Advocate
for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.168 dated 24.11.2019 registered under Sections 307, 323, 341, 506, 120-B, 201, 34 IPC and Sections 25, 54, 59 of the Arms Act at Police Station Alewa, District Jind.

The FIR was registered at the instance of injured complainant Ramesh son of Hari Ram. According to the prosecution story, Ramesh had gone for a evening walk on 24.11.2019 at about 5:30 PM. Co-accused Mohit and Himanshu

abused him. All of sudden, Mohit took out a country made pistol and fired upon him in the chest with an intention to kill him. When he raised alarm, Mohit and Himanshu fled away from the spot. The police investigated the case and found Mohit and Himanshu to be innocent. Police found sufficient material against Lakhan @ Lucky, petitioner and Sunil and submitted the challan against them. Petitioner was arrested on 17.12.2019.

Learned counsel for the petitioner submits that the complainant has been examined as PW 2 and he has not supported the case of prosecution. The witness has been cross-examined at length by the public prosecutor, but nothing incriminating could be extracted.

Learned State counsel, however, opposed the bail on the ground that during course of investigation, the accused suffered disclosure statements confessing their guilt. They hatched the conspiracy to murder Ramesh son of Hari Ram because he has eloped with daughter of the petitioner's maternal uncle's son namely Ramesh son of Dharam Dutt and thereafter, they got married in the Court. Ramesh son of Dharam Dutt had promised to give an amount of Rs.5 lacs to the petitioner for the murder of Ramesh son of Hari Ram. In pursuance of the criminal conspiracy, an attempt was made on the life of Ramesh son of Hari Ram. .3.15 bore pistol along with

three live cartridges has been recovered from the petitioner.

As per police investigation, in fact, the petitioner had fired upon the chest of the injured. Petitioner is in custody since 17.12.2019. There is no other case against the petitioner.

In view of the stand taken by the complainant, the complicity of the petitioner would be debatable before the trial Court.

Keeping in view the period of custody, statement of the complainant and other attending circumstances of the case, I deem it appropriate to enlarge the petitioner on regular bail without adverting to the merits of the case.

In view of above, petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

06.09.2021

Prince

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No