

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

**CRM-19376-2021 in/and
CRM-M-43180-2020
Date of Decision:12.07.2021**

Sanjay @ Sanju

....Petitioner

VS

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Abhilaksh Grover, Advocate
for the petitioner

Ms. Upasana Dhawan, AAG Haryana

SUDHIR MITTAL, J. (Oral)

CRM-19376-2021

This application has been filed for placing on record a copy of the challan as Annexure P-6.

For the reasons stated therein, application is allowed and Annexure P-6 is taken on record.

CRM-M-43180-2020

The petitioner seeks regular bail in FIR No.540 dated 25.11.2019, registered at Police Station Civil Line Kaithal, District Kaithal under Section 307, 120-B IPC and Section 25 of the Arms Act, 1959. According to the FIR, a shot was fired at the car of the complainant whereupon the Police was informed. Before the Police could be informed, the brother of the complainant received phone call from one Sandeep Chatha enquiring about the incident. Since, nobody had been told about the incident, suspicion arose upon said Sandeep Chatha and another person named Lucky Verma. Challan dated 23.11.2020 was submitted wherein, the

petitioner has been named as an accused on the basis of a disclosure statement.

Learned counsel for the petitioner has submitted that the petitioner was not named in the FIR. Even in the challan, his implication is only on the basis of disclosure statement. Thus, there is no evidence on record to indicate the involvement of the petitioner. He has been in custody for more than one and a half year. Although, charges have been framed, examination of PWs is not yet started, thus, the trial is not likely to be concluded at an early date. The petitioner may, thus, be granted regular bail.

Custody certificate dated 11.07.2021 prepared by the Deputy Superintendent District Prison, Karnal has been submitted in Court. The same is taken on record. According to this certificate, the petitioner has undergone actual custody of 1 year 7 month and 9 days and there are eight other criminal cases pending against him.

Learned State counsel submits that keeping in view the antecedents of the petitioner, he does not deserve the grant of regular bail. It is further submitted that FIR No.31 dated 23.01.2021 was registered on the complaint of Deepak son of Inderjit under Section 506 IPC on the allegation that said Deepak had been threatened and intimidated. Involvement of the petitioner in the said case is proved as the challan of the said case records that one Sahil had threatened the complainant for the purpose of effecting compromise with the petitioner. Thus, it is evident that the petitioner was involved in threatening the witnesses in the present case as Deepak is none other than the brother of the complainant in the present FIR. The conduct of the petitioner does not entitle him to regular bail.

In response, learned counsel for the petitioner submits that a perusal of the challan in FIR No.31 dated 23.01.2021 shows that the petitioner has been exonerated. Had there been an indirect involvement also, the Police would not have

exonerated him and, thus, the submission of the learned State counsel cannot be accepted. Regarding the other pending cases, it is submitted that the petitioner is on bail in all of them.

Thus, it is evident from the aforementioned facts that the trial of this case is not likely to be concluded at an early date as there are total of 18 PWs to be examined whereas none has been examined till date. The petitioner has been in custody for 1 year 7 months and 9 days and is on bail in all the other pending cases. His involvement in the instant case is only on the basis of a disclosure statement, which is a weak evidence and the allegation that he has threatened the witnesses of this case from jail does not appear to be substantiated.

Accordingly, I deem it appropriate to allow this petition and grant regular bail to the petitioner. It is directed that he be released on regular bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Nothing stated hereinabove shall be construed to be an opinion on the merits of the case.

(SUDHIR MITTAL)
JUDGE

12.07.2021
Poonam Negi

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No