

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

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CRM-M-3460-2022

Date of Decision : **March 11, 2022**

RAVINDER AND ANR

.....Petitioners

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Baljeet Nain, Advocate
for the petitioners.

Mr. Ranvir Singh Arya, Addl. Advocate General, Haryana.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioners in case FIR No.17 dated 16.1.2019 under Sections 307, 34 IPC and Sections 25 and 54 of Arms Act registered at Police Station Badshahpur, District Gurugram.

It has been submitted by the learned counsel for the petitioner that the petitioners are in custody from 28.1.2019 which is more than 3 years and other two accused have been granted bail by this Court vide Annexures P-4 and P-5. He further submitted that the complainant has not been able to identify the petitioners and considering the long custody of the petitioners, they may be considered for the grant of regular bail.

On the other hand, the learned State counsel has submitted that a detailed reply has been filed by the State and while referring to the

reply, he submitted that it is a case where both the petitioners were seen in the CCTV camera footage where they were firing upon the complainant and evidence has come forth that in the CCTV footage co-accused Aman is seen to be firing the first gun shot, who is still absconding and petitioner No.2 is seen firing the second gun shot and petitioner No.1 is seen outside the dhaba carrying country made pistol (katta) in his hand. He submitted that the mere fact that the complainant has not been able to identify the petitioners while deposing before the Court would not mean that the petitioners are not involved in this case. He submitted that the CCTV footage was very clear and is a part of the evidence. He further submitted that so far as the bail granted to the other co-accused vide Annexures P-4 and P-5 is concerned, the petitioners are not at parity with the co-accused in view of the fact that in the CCTV footage camera the present petitioners are seen. He submitted that in view of the aforesaid gravity of offence, the petitioners are not entitled for the grant of regular bail.

I have heard the learned counsels for the parties.

Although the petitioners are in custody from 28.1.2019 but as per the learned State counsel, they are seen in the CCTV footage camera alongwith other co-accused, namely, Aman, who is absconding. The present petitioners would not be entitled for the grant of regular bail on the basis of parity with the other co-accused, who were granted bail vide Annexures P-4 and P-5 in view of the fact that these two petitioners according to learned State Counsel are seen in the CCTV footage camera and one of the petitioners while firing on the injured and the other

is standing outside the dhaba alongwith pistol (katta) in his hand and, therefore, considering the gravity of the present case and the evidence, the petitioners do not deserve the concession of regular bail.

Consequently, the present petition is devoid of any merit and is, hereby, dismissed.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

March 11, 2022

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(JASGURPREET SINGH PURI)
JUDGE

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