

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-3748-2022 (O&M)
Date of Decision:-28.4.2022

Devender @ Deva

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Ranbir Singh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.215 dated 6.10.2020, Police Station Ateli, District Mahendergarh, Haryana, under Sections 148, 149, 323, 307, 120-B of Indian Penal Code and Section 25 of Arms Act.
2. The FIR in question was lodged at the instance of Sanjeev @ Sanjay, wherein it has been alleged that on 06.10.2020, he alongwith Manoj, Ghanshayam and Jitender were going on car bearing registration No.HR19H-6595, which was being driven by him. It is alleged that at about 4.05 PM, when he parked the car near Kanina Chowk, Ateli Mandi, Ghanshayam alighted from the car

while he was sitting on the driver seat. It is alleged that at that point of time, a Bolero camper car came from the side of Kanina and hit against their car and resultantly their car struck with a fruit *Rehri*. Thereafter, three more vehicles came there and 20/25 persons alighted from the said vehicles and started firing at them with an intention to kill them. The said persons attacked their car with sticks, *farsi*, iron rod and sword. It is alleged that one bullet hit on the hand of the complainant. While Jitender ran away, Manoj was hit on his hip with a bullet. He also sustained injuries on his head. The complainant identified some of the accused as Deva, Rahul Lamba, Pawan Lamba, Rahu, Maandi, Devi Lal Pahari, Pardeep @ Jurat, Shiv Kumar, Rantej and Sonu Titar.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that although he is named in the FIR, but several other identically situated accused, who are also named therein, have already been granted bail.
4. Opposing the petition, learned State counsel has submitted that the petitioner is specifically named in the FIR having been identified by the complainant at the spot, he cannot escape from his liability. It has further been submitted that the petitioner happens to be involved in 3 other cases and in these circumstances, there is every likelihood that he would commit similar offence again in case released on bail. Learned State counsel has, however, not disputed that a large number of other co-accused, roughly about 15, have already been released on bail by this Court. It has been informed that the petitioner as on date has been behind bars since the last 1 year and 6½ months.

5. I have considered rival submissions addressed before this Court.
6. Without commenting anything as regards the merits of the case, but while noticing that the petitioner has been behind bars for a substantial period of 1 year and 6½ months and that till date not even a single PW out of cited 20 PWs has been examined inasmuch as charges have not been framed so far, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

28.4.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No