

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-4183-2022

DATE OF DECISION: MARCH 2, 2022

KUNAL HARJAI

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. SANPREET SANDHU, ADVOCATE FOR THE PETITIONER.
MR. VISHAL MALIK, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.499 dated 30.12.2021, under Section 307 read with Section 34 IPC and Section 25 Arms Act, Police Station Gandhi Nagar, District Yamuna Nagar, who is in custody since his arrest on 6.1.2022.

The allegations contained in the FIR as noticed by the Sessions Judge, Yamuna Nagar, in the order dated 19.1.2022, are as under:-

“The facts, in brief, are that the FIR in question has been registered at the instance of Shahraan son of Shri Israar to the effect that he is running a furniture shop at Sasouli road, Yamuna Nagar. About one month ago, an altercation took place between him and Kunal, a resident of Bank Colony, Yamuna Nagar, on some issue. It is alleged that on 30.12.2021 at about 3:00 p.m. when he was standing near Swami Vivekanand Park, opposite M.L.N. School, Sarojini Colony, Yamuna Nagar, accused Kunal came there on an ‘Activa’ of white colour along with another boy on pillion, from the side of the park;

crossed while staring him; after covering some distance, they took 'U' turn; accused Kunal asked his companion to teach a lesson to him (complainant) for raising altercation and to eliminate him. In the meantime, the boy, who was on pillion, fired a shot upon him with intent to kill him; however, he sat down and the fire crossed over him. It is alleged that later on, the people disclosed the name of that boy, who fired the shot, as 'Abhi'."

Learned counsel for the petitioner has argued that as per prosecution, the petitioner was driving the two-wheeler and his co-accused Abhijeet @ Abhi (pillion rider) fired gun shot at the complainant, however, no injury was suffered by the victim. He submits that the petitioner is a young boy who is pursuing his studies and has to appear in the examination of BBA (Semester-01) which are commencing from 3.3.2022. He prays for bail.

On the other hand, learned State counsel assisted by SI Shyam Lal while opposing the prayer does not dispute that the petitioner has to take examinations commencing from 3.3.2022 and according to him, the petitioner is involved in six more cases. He further submits that the investigation in the case is in progress and the co-accused, namely, Abhijeet @ Abhi is yet to be arrested.

At this stage, learned counsel for the petitioner has stated that in a case registered prior to the present occurrence, the petitioner stands acquitted, whereas the rest of the cases were registered after his arrest in the present case.

This fact is not disputed by learned State counsel who submits that in those cases, the allegation against the petitioner is that he provided

weapons to facilitate the crime.

Considering the above background, custody of the petitioner, further detention of the petitioner may not be necessary for any useful purpose, as the the trial would take considerable time to conclude. The material witnesses are either the complainant or the police officials and at present, there does not seem any possibility of their being won-over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

March 2, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No