

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

SR. No.216

CRM-M-5916-2022

Date of Decision:17.02.2022

Saurabh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr. Rahul Deswal, Advocate,
for the petitioner.

Mr. Amreek Singh Narwal, DAG, Haryana.

[The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court.]

SANT PARKASH, J.

Petitioner prays for grant of regular bail in FIR No.419 dated 24.09.2021 registered under Sections 307, 323 read with Section 34 and Section 506 IPC and Section 25(1-B)a/54/59 of the Arms Act at Police Station Civil Lines, Hisar, District Hisar.

As per the allegations levelled in the FIR, petitioner (Saurabh) along with co-accused came in a Swift car and gave beatings to the complainant and when Pawan and Naveen tried to intervene, one of the accused, who was having a pistol in his hand, fired towards Pawan and the complainant.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that the complainant gave an affidavit dated 06.12.2021, wherein he specifically stated that the petitioner was not one of the un-identified person mentioned in the FIR. He also submits that petitioner is in custody since 24.09.2021.

On the other hand, learned counsel for the State opposes the prayer of the petitioner on the ground that the petitioner is involved in a very serious crime and, therefore, he is not entitled to be released on bail.

This Court has heard the learned counsel for the parties and perused the case file.

From the perusal of the case file, it would be revealed that there is an affidavit dated 06.12.2021 of the complainant, which suggests that the petitioner was not present at the spot. Even if the entire set of allegations of the prosecution is considered to be a gospel truth, there is no attribution to the present petitioner who is in custody since 24.09.2021.

Taking into consideration the totality of the circumstances and without commenting on the merits of the case, it is considered just and appropriate to release the petitioner on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial court/Duty Magistrate/Chief Judicial Magistrate.

17.02.2022
mks

(SANT PARKASH)
JUDGE

Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO