

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.7921 of 2022
Date of Decision: March 02, 2022

Deepak

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Sanjeev Kumar, 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.85 dated 13.04.2021, under Sections 307, 34 IPC, 1860 and Section 25 Arms Act, 1959, registered at Police Station, Bahu Akbarpur, District Rohtak, who is in custody since his arrest on 10.05.2021.

The contents of the FIR, as noticed by the Additional Sessions Judge, Rohtak in his order dated 04.02.2022 while dismissing the bail application of the petitioner, read as under:-

“The present case was registered on the complaint of complainant Vicky son of Surender, resident of village Khidwali, who reported to the police that on 12.04.2021, at about 7.00 PM, after completion of office work, he was going to his village Khidwali via Jind bypass chowk, Rohtak. Complainant telephonically contacted with his friend Pardeep

and requested him to bring the complainant from Jind Road and started walking on feet towards his village. When he reached ahead from B.D.P.S. School, Jind Road at Singhapura Water outlet, at that time, Ashish and Sanjeet came there on motorcycle and immediately both pointed their pistol upon complainant. Complainant escaped from them and run on the road of Singhapura outlet but Sanjeet and Ashish fired from their respective pistol. Complainant received injury on his head, belly and right upper part of the leg. After that the assailants ran away from there with their respective weapons on their motorcycle.....”

Learned counsel for the petitioner has argued that as per allegations, co-accused Sanjeet and Ashish, who were riding on a two wheeler, attacked upon victim-Vicky, who suffered gun shot injuries. Learned counsel has further argued that the petitioner has been falsely implicated on the basis of his own disclosure statement allegedly suffered in some other case and later on supplementary statement of complainant was also recorded on 01.08.2021 to corroborate the disclosure of the petitioner. He submits that complainant has levelled specific allegations against the co-accused, who had fired upon him and petitioner is being implicated on the ground that he provided the weapon to them. He prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by ASI Suresh Kumar, who has argued that indeed the allegations of complainant were against co-accused Sanjeet and Ashish, but the participation of the petitioner cannot be ruled out as he provided weapon to them. According to him, the weapon used in the crime was recovered from co-accused Sanjeet and Ashish and the trial is yet to commence as charges have not been framed so far.

After hearing the learned counsel for the parties, considering

the above background and custody of the petitioner, this court is of the opinion that as the trial is yet to commence as charges have not been framed so far, the further custody of the petitioner may not be necessary for any useful purpose. Further, the material witnesses are either the complainant or the police officials and there does not seem to be any possibility of their being won over.

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

March 02, 2022
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No