

221 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-8738-2022

Date of decision: 7th March, 2022

Raj Kumar

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sachin Kaushik, Advocate for the petitioner.
Ms. Geeta Sharma, DAG, Haryana.

AVNEESH JHINGAN, J (Oral):

1. Due to COVID-19 situation, the Court is convened through video conference.
2. This third petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 129, dated 29th October, 2020, under Sections 307, 109 read with Section 34 and 120-B IPC and 25 of Arms Act, 1959 registered at Police Station Bapoli, District Panipat. Earlier two petitions were dismissed as withdrawn on 28th June, 2021 and 21st December, 2021.
3. Sandeep-complainant got registered an FIR. Brief facts of the case are that Ranjana- sister of the complainant was married to Raj Kumar (petitioner). As a result of matrimonial dispute, under the Court order Ranjana was residing in one room in house of her in-laws. On 29th October, 2020, she called the complainant and told that two boys shot at her and they said that her husband had sent them to kill her. She was

admitted in the hospital and statement of the injured was recorded which was in consonance with the allegations of the FIR. Co-accused who shot at Ranjana disclosed that they were hired by the petitioner for eliminating his wife.

4. Learned counsel for the petitioner submits that petitioner is in custody sine 2nd November, 2020, there is no progress in the trial and co-accused Sunil was granted bail by this Court. He further submits that in a complaint filed under Section 498-A and 406 IPC, petitioner was acquitted and no other criminal case is pending against him.

5. Learned State counsel opposes the prayer for grant of regular bail and submits that petitioner is the main accused, he hired the persons for shooting his wife. She further on instructions from SI Mahabir Singh submits that charges were framed but injured is yet to be examined, if bail is granted, there is apprehension of witnesses being influenced.

6. As per the case set up, Ranjana received bullet injuries, the co-accused indulging in shooting named the petitioner. Injured is yet to be examined, she is staying in the house of her in-laws under the Court orders and the apprehension raised by the State counsel of witnesses can be influenced cannot be said to be baseless. There is no parity between the petitioner and co-accused Sunil Kumar. Sunil Kumar was neither named in the FIR nor any role attributed. Learned State counsel stated in bail petition of Sunil Kumar that there was no incriminating evidence against the Sunil Kumar to link him with the incident. Whereas in the present case the petitioner was specifically named by the complainant and the injured.

7. No case is made out for regular bail, the petition is dismissed.

8. However, it is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

7th March, 2022
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable | : | Yes /No |