

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

229-A

CRM-M-10301-2022 (O&M)

Date of Decision: 11.05.2022

SONU

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Sanjeev Kumar Panwar, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.75 dated 17.11.2019, registered at Police Station Mundkati, District Palwal, under Sections 302, 392, 394 IPC and Section 25 of the Arms Act, 1959.

Learned counsel for the petitioner contends that the petitioner is innocent and has falsely been involved in the present case; that the petitioner has not been named in the FIR; that the FIR was registered against some unknown persons and that the petitioner has been indicted on the basis of the disclosure statement of co-accused, Rahul, whose petition seeking regular bail has been dismissed as withdrawn, vide order of the even date. He further submits that complainant, namely, Sonu son of Rahtan Singh, who is the only eye-witness, while appearing as PW-1 before the learned trial Court, has not identified the petitioner as an accused in the present case and that, earlier, it was only at the asking of the police officials, the complainant had identified the petitioner as an accused before the Magistrate concerned. Still further, it is submitted

that the petitioner has been in custody since 30.05.2020.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that, in a Test Identification Parade conducted in the presence of the Judicial Magistrate, the complainant of his own had duly identified the petitioner along with others as accused in the present case. He further submits that the petitioner is a prime accused, who had given a gun shot injury on the chest of deceased, namely, Lokesh and that a pistol, without any licence, was recovered from the possession of the petitioner. Still further, it is submitted that there is one more FIR No.40/2020, under Section 379-A, 34 IPC and Section 25 of the Arms Act, registered against the petitioner.

I have heard the learned counsel for the parties.

As noticed above, the petitioner along with others have duly been identified by the complainant before the concerned Judicial Magistrate. The allegation against the petitioner are specific and serious in nature. The pistol used in the occurrence had also been recovered from the petitioner. As per the FSL report, the gun shot injury on the person of the deceased, was fired from the pistol recovered from the petitioner. Further, pendency of one more FIR speaks volumes about the complicity of the petitioner.

In view of the above, no case for grant of regular bail to the petitioner is made out.

Dismissed.

11.05.2022

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*