

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

(THROUGH VIDEO CONFERENCING)

CRM-M-11662-2021

Date of Decision: 5.1.2022

Sandeep

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Ms. Kamaljeet Kaur , Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

KARAMJIT SINGH, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.81 dated 1.6.2018 registered for the offences punishable under Sections 307, 34, 120-B of Indian Penal Code (for short, "IPC") and Sections 25, 54, 59 of Arms Act at Police Station Alewa, District Jind.

Counsel for the petitioner contended that the petitioner was not present at the spot when the alleged occurrence took place on 1.6.2018. It is further contended that on the day of occurrence, the petitioner was lodged in jail in some another criminal case. It is further contended that the petitioner is already in custody for the last 3 years and 4 months. So prayer is made for grant of regular bail to the petitioner.

The present bail petition is opposed by learned State counsel who produced the custody certificate. She further contended that the petitioner is having criminal history whose detail is given in the custody

certificate itself. However, he admitted the fact that at the time of the alleged occurrence, the petitioner was lodged in jail.

I have considered the submissions made by the counsel for the parties.

As per allegations appearing in the FIR, on 1.6.2018 at about 5:00 a.m., complainant-Rajesh was irrigating his field and at that time, 4 young boys came to him on motorcycle and asked him the way to Thua, on which, the complainant told them to go straight. In the meanwhile, Raju son of Rameshwar and Amar son of Ram Karan fired gun shots at him and then all the said 4 boys fled away from there. The petitioner was not named in the FIR. As has been admitted by both the counsel that at the time of the occurrence, the petitioner was lodged in jail, so, only allegation against the petitioner is that he conspired with other accused persons to attack complainant-Rajesh. As per custody certificate, the petitioner is in custody for the last more than 3 years and 4 months in the present case. No doubt, he is also facing trial in some other criminal cases including one murder case. However, I am of the view that in light of the facts and circumstances of the present case, the petitioner is entitled to bail as he was not present at the spot when the alleged occurrence took place.

Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail pending trial subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

January 5, 2022

Paritosh Kumar

**(KARAMJIT SINGH)
JUDGE**