

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

208

**CRM-M-11137-2022
Date of decision: 04.04.2022**

PRITAM SAINI

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Shokeen Singh Verma, Advocate
for the petitioner.

Mr. Ashish Yadav, Additional A.G. Haryana.

Ms. Jaspreet Kaur, Advocate
for the complainant.

VINOD S. BHARDWAJ. J. (ORAL)

1. The instant petition has been filed under Section 439 Cr.P.C. by the petitioner for seeking concession of regular bail in case FIR No. 409 dated 28.06.2021 under Sections 147, 148, 149, 323 and 307 IPC and Sections 25 and 27 of the Arms Act registered at Police Station City Hansi District Hisar.

2. Learned counsel appearing on behalf of the petitioner has contended that the FIR in question had been registered on the basis of statement of Tanuj @ Nanha and as per the allegations so levelled, the complainant and his elder brother Jitesh @ Kaka were caused injuries by Sandeep @ Langra, Pritam Saini (petitioner herein), Sanju son of Rohtash and Mukesh son of Ram Singh along with 3-4 persons. He has further submitted that Mukesh had fired a shot from a gun upon Jitesh @ Kaka with an intention to kill him and a another boy holding a

revolver had also fired a shot. All the boys start giving injuries with sticks, bricks and stones and thereafter ran away from the spot.

3. Learned counsel for the petitioner contends that the injuries attributed to the petitioner are simple and that the injury attracting Section 307 IPC has been attributed to co-accused Mukesh. He further points out that 03 witnesses have already been examined including the injured Jitesh @ Kaka who has not identified the petitioner on the basis of CCTV footage during the course of his deposition before the Court. He points out that the petitioner is in custody since 13.06.2021 and his custodial interrogation is not warranted anymore.

4. Mr. Ashish Yadav, Additional A.G. Haryana does not controvert the factual aspect but points out that out of the 17 witnesses cited by the prosecution, 04 witnesses have already been examined. It is however not denied by him that the injured witness has not been identified by the petitioner to the assailants.

5. The aforesaid aspect stands corroborated by learned counsel appearing on behalf of the injured-complainant-Jitesh.

6. I have heard learned counsel appearing on behalf of the respective parties and have gone through the record with their assistance.

7. Upon consideration of injury attributed to the petitioner being simple in nature, the petitioner not having been identified by the injured, the period of custody being nearly 09 months already undergone and the petitioner not being involved in any other case; I deem it appropriate to enlarge the petitioner on bail to the satisfaction

of the trial Court.

8. The instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate, concerned.

9. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

10. The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

APRIL 04, 2022

vishal sharma

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>