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

**CRM-M-11440-2022
Date of Decision: 12.07.2022**

Hanuman alias Krishan

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ravinder Hooda, Advocate,
for the petitioner.

Mr. Naveen S. Panwar, D.A.G., Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

This is the second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.47 dated 06.02.2020, under Sections 307, 379-B & 34 of the IPC and Sections 27(3), 54 & 59 of the Arms Act, registered at Police Station Hodal, District Palwal.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 01.03.2021 and after the investigation of the case, the challan has been presented before the competent Court by the Police against the petitioner and the other co-accused and thereafter now most of the witnesses have been examined including the complainant. He further submitted that earlier he had filed a petition for the grant of regular

bail before this Court which was dismissed as withdrawn on 10.01.2022 and thereafter now the complainant, namely, Shivram has also been examined along with other witnesses, namely, Om Parkash and Sita Ram, who are his brothers. He also submitted that as per the statements of Om Parkash and Sita Ram, they did not see anybody firing. He further submitted that be that as it may, even as per the allegations contained in the FIR itself there is no role attributable to the petitioner and the fire-arm was allegedly shot by the other co-accused, namely, Krishan and Rahul @ Chhagri and has submitted that in view of the aforesaid position and considering the custody of the petitioner, he may be considered for the grant of regular bail.

On the other hand, Mr. Naveen S. Panwar, learned Deputy Advocate General, Haryana, has submitted that it is correct that the petitioner is in custody since 01.03.2021, which is more than 1 year and 4 months and the material witnesses have since been examined before the learned trial Court. He has however submitted that the petitioner was also involved in two more cases although in one of the cases, the petitioner has already been acquitted and in another case, he is an undertrial.

I have heard the learned counsel for the parties.

The petitioner has faced incarceration for more than 1 year and 4 months and investigation of the case is completed and as per the learned counsel for the parties, the material witnesses have been examined. A perusal of the FIR would show that allegedly two persons, namely, Krishan and Rahul @ Chhagri had fired a shot from the fire-arm which allegedly hit the complainant and one other person. Out of two cases in which the petitioner was involved, he has already been acquitted in one of the cases as

per the learned State counsel. No further recovery is to be effected from the petitioner, apart from this, it is not the case of the State counsel that in case the petitioner is released on bail then he may abscond or flee from justice or may influence the witness or may tamper with the evidence. Therefore, considering the totality of the circumstances as aforesaid, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

12.07.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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