

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

214

CRM-M-12380-2021 (O&M)

Date of Decision: 05.04.2022

Vikram @ Sonu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Jagmohan Ghuman, Advocate,
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

CRM-12863-2022

For the reasons mentioned in the application, the same is allowed and the documents annexed with the application are taken on record as Annexures P-5 & P-6 subject to all just exceptions.

CRM-M-12380-2021

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.0193 dated 28.04.2020 at Police Station Sector – 10, Gurugram, under Sections 307/34 IPC and Section 25 of the Arms Act (Charges framed under Sections 307/34 IPC and Section 25(1b)(a)/27(1) of the Arms Act).
2. The FIR in question was lodged at the instance of Prince Gupta, wherein it is alleged that on 28.04.2020, his uncle Sandeep

received a call from Nikhil that Sunil and Sonu @ Vikram (petitioner) had fired on him. Upon receipt of said information, the complainant alongwith his father and uncle rushed to the spot where Nikhil was found in injured condition. The complainant and others took Nikhil to hospital, where he disclosed that he had lent Rs.50,000/- to Sunil and on the asking of said Sunil, when he was proceeding on a scooter for getting the said money back, then Sunil and his friend Sonu fired 2/3 shots upon him.

3. Subsequently statement of Nikhil (injured) was recorded, who stated that it is Sunil, who had fired at him though he affirmed the presence of the petitioner at the spot.
4. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that the falsity of the case would be evident from the fact that when the complainant Prince Gupta (PW-7) as well as the injured Nikhil Gupta (PW-8) were examined during the proceedings of trial, none of them supported the case of the prosecution and both of them were declared hostile. It has further been submitted that pursuant to recoding of the aforestated testimonies, co-accused Sunil has already been granted bail by the trial Court while noticing that the material witnesses had resiled.
5. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR, no case for grant of bail is made out. Learned State counsel has, however, not disputed the fact that the material witnesses including the injured

have not supported the case of the prosecution. It has also been informed that as on date the petitioner has been behind bars since the last about 1 year & 11 months and that he happens to be involved in one more case under the Arms Act.

6. I have considered rival submissions addressed before this Court.
7. Having regard to the fact that the material witnesses including the injured have not supported the case of the prosecution and also that the petitioner has been behind bars for a substantial period of about 1 year & 11 months, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

05.04.2022

Vimal

**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**