

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-15954-2021(O&M)
Date of decision : 08.07.2022

Vikram

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.G.S.Sandhu, Advocate
for the petitioner.

Mr.Munish Sharma, AAG, Haryana.

Mr.Ishnoor Singh, Advocate for
Mr.Vikram Singh, Advocate
for the complainant.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.346 dated 18.11.2020 registered under Sections 148, 149, 323, 324, 307, 506 IPC and Sections 25-54-59 of the Arms Act at Police Station Nissing, Karnal, District Karnal.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and he has been in custody since 19.11.2020 and challan in the present case has already been presented and there are 22 prosecution witnesses and out of them 4 witnesses have been examined and 18 witnesses are yet to be examined and thus, the trial is likely to take time. It is further submitted that no injury has been attributed to the present petitioner as per the FIR and all the injuries in

the present case are simple in nature. It is further submitted that the petitioner in fact was not even present at the spot at the time of alleged occurrence, nor there was any reason for the petitioner to have caused any injuries to the complainant party. The petitioner is not stated to be involved in any other case.

Learned State counsel as well as learned counsel for the complainant have opposed the present petition for regular bail and have submitted that co-accused Prem Chand and Shubham had fired from their weapons, i.e. the revolver and the country made gun respectively, and the present petitioner had helped the said two persons by reloading the said firearms and on account of the said act of the accused persons, three persons had been injured, including a 10 year old boy Bhupender. It is further submitted that Bhupender has suffered two gun shot injuries on his right leg and Anil has also suffered one injury inflicted with a *kassi* and complainant Sunil has also suffered three injuries. It is also submitted that it has been observed in the order passed by the Additional Sessions Judge, Karnal that as per the photographs obtained from the CCTV footage, the present petitioner was also present at the spot. It is stated that the two main accused Prem Chand and Shubham had also filed regular bail petitions and they have withdrawn the said petitions. It is also stated that at any rate, the accused persons should meet the medical expenses of the injured minor child Bhupender.

Learned counsel for the petitioner, in rebuttal, has submitted that in the order rejecting bail to the petitioner, it has not been observed that from the photographs obtained from the CCTV footage, it came out in any way that the present petitioner was loading the said gun/revolver and the

said allegation has only been made to implicate the present petitioner. It is further submitted that the petitioner has not caused any injury to anybody, much less to the injured Bhupender, Anil and Sunil and the matter is yet to be adjudicated, thus, at any rate, the primary responsibility to compensate the minor, if found guilty, would be of the main accused. It is also stated that, however, in order to show his bonafide and without admitting his liability, the petitioner is ready to pay Rs.20,000/- to the complainant within a period of two weeks from today.

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner has been in custody since 19.11.2020 and the challan in the present case has already been presented and out of 22 prosecution witnesses, 4 witnesses have been examined and 18 witnesses are yet to be examined and thus, the trial is likely to take time. The petitioner is stated to be not involved in any other case. The petitioner is not alleged of having caused any specific injury to any person. The alleged injuries which have been caused, by the co-accused are also simple in nature. Although, it is the case of the State and the complainant that the petitioner had loaded the guns used by the co-accused but it is the case of the petitioner that he was not even present at the spot. A perusal of the order rejecting the bail to the petitioner would show that it was observed that the petitioner was present at the spot but it is nowhere stated that in CCTV footage, the petitioner could be seen loading / reloading the guns of the co-accused. At any rate, the said aspect would be finally adjudicated during the course of the trial. The withdrawal of the bail applications by co-accused Shubham and Prem Chand would not call for rejection of the case of the

present petitioner inasmuch as, the said two accused are specifically stated to have fired at the complainant party, on account of which, gun shot injuries have been suffered by the minor Bhupender.

Keeping in view the above said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case and the same would also be subject to the petitioner depositing an amount of Rs.20,000/- before the trial Court within a period of two weeks from today and the trial Court is directed to release the said amount to the complainant, who is father of Bhupender and the said amount would be utilized for the welfare of said minor. The deposit of the said amount would not be construed as admission of guilt by the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

Pending miscellaneous application, if any, stands disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

July 08, 2022
Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No