

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-14707-2022(O&M)
Date of decision : 09.11.2022

Ajit

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Deepkaran Dalal, Advocate
for the petitioner.

Mr.Gaurav Gurcharan Singh Rai, DAG, Haryana.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no. 411 dated 04.11.2018 registered under Sections 392, 302, 212, 34 IPC at Police Station Chandhut, District Palwal, Haryana.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 16.02.2020 and the investigation is complete and the challan has already been presented and there are 20 witnesses and out of which, 10 witnesses have been examined and thus, the trial is likely to take time. It is further submitted that the petitioner is not involved in any other case. It is also submitted that as per the prosecution case, no overt act has been attributed to the present petitioner. It is stated that the deceased had suffered one gun shot injury which has been attributed to co-accused Dinesh. It is further stated that the petitioner has been

and the same was because the petitioner has a plot next to the place of occurrence and the said fact has been recorded in paragraph 12 of the order dated 03.03.2021 vide which the regular bail application of the petitioner has been rejected by the Additional Sessions Judge, Palwal. It is submitted that the petitioner was in fact present at his plot and was not accompanying the co-accused Dinesh and had ran away on account of hearing the sound of a gun shot. It is further submitted that the petitioner has not committed any offence and thus, prays for the concession of regular bail.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the presence of the petitioner has been specifically stated in the FIR and even PW-6 has stated that the present petitioner was present along with the main accused Dinesh when said Dinesh fired at the deceased. It is however, not disputed that the deceased had suffered one gun shot injury.

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

The petitioner has been in custody since 16.02.2020 and since 10 more witnesses are to be examined, thus, the trial is likely to take time. The petitioner is stated to be not involved in any other case and even as per the prosecution case, the deceased had suffered one gun shot injury which has been attributed to co-accused Dinesh. No injury has been attributed to the present petitioner. No recovery has been effected from the present petitioner. It is the case of the petitioner that he has a plot next to the place of the occurrence and with respect to the same, reference has been made to paragraph 12 of the order dated 03.03.2021 vide which the bail application of the petitioner had been rejected by the Additional Sessions Judge,

Palwal. The question whether the petitioner was accompanying the accused and had participated in the offence or was only present at his plot and ran away after hearing the sound of gun shot, would be finally adjudicated during the course of trial.

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.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to 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 stands disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

November 09, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No