

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 15968 of 2022

Date of Decision: 06.5.2022

Rajesh @ Raja

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Vinod Bhardwaj, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 439 Cr.P.C., seeking the indulgence of regular bail, to the petitioner.
2. In FIR bearing No. 267 of 14.9.2020, registered at Police Station Kalayat, District Kaithal, offences constituted under Sections 148, 149, 307, 341 IPC, and, under Section 25 of the Arms Act, (Section 201 IPC, and, under Section 25(1-b)(a) of the Arms Act, added later on), are embodied.
3. The incriminatory role, as assigned to the petitioner herein, in the FIR (supra), is that, his with user of a pistol, inflicting injuries on the person of the victim-complainant Jagmal. The above injuries were inflicted upon the abdominal region of the victim. The bail petitioner is suffering judicial custody since 17.9.2020, and, his judicial detention may not be ordered to be prolonged, unless there is evidence, adduced on record, by the prosecution, suggestive of the fact, that the condition of the victim is yet not out of danger, or/and, if evidence, at this stage, is adduced by the prosecution, suggestive of the fact that in the event of the petitioner, being granted the indulgence of regular bail, there is every likelihood of his fleeing from justice, and/or, his tampering with the prosecution evidence.

4. The learned State counsel, on instructions given to him by SI Gurdev Singh, submits, that the recovery of incriminatory pistol has been effected, to the investigating officer concerned, by the accused, and, also the condition of the victim-complainant, is stable, both in respect of his mental and physical condition.

5. Given the above, and, also when no evidence is adduced before this Court by the prosecution, suggestive of the fact, that in the event of the petitioner, becoming admitted to regular bail, there is every likelihood of his fleeing from justice, and, tampering with the prosecution evidence. Therefore, this Court does not deem it fit, and, appropriate to prolong the judicial detention of the bail petitioner, as, thereupon his personal liberty would become unnecessarily fettered, and, curtailed.

6. Consequently, the instant petition is allowed, and, the petitioner-bail applicant is ordered to be released from judicial custody, if not required in any other case. However, the granting of bail to the bail applicant-petitioner, is subject to his furnishing personal and surety bonds in the sum of ₹50,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and, his not influencing prosecution witnesses, and, besides also his appearing before the learned trial Court concerned, as and when directed to make his personal appearance, unless validly exempted.

7. Copy dasti.

(SURESHWAR THAKUR)
JUDGE

May 06, 2022
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No