

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-20288-2021 (O&M)
Date of Decision:- 21.7.2022

Gajraj ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Tejaswini, Advocate for
Mr. Pratham Sethi, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Manoj.

GURVINDER SINGH GILL, J. (Oral)

CRM-24114-2022

In view of the reasons mentioned in the application, the same is allowed as prayed for and Annexure P-6 is taken on record subject to all exceptions.

Main case

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.99 dated 10.2.2019, Police Station Sadar, District Palwal, under Sections 302,

148, 149 IPC and Sections 25, 54 of Arms Act (Sections 148, 149 IPC deleted later on).

2. The FIR was lodged at the instance of Tarif wherein it is alleged that on 10.2.2019 at about 7.15 am, when he and his brother Surinder were proceeding towards their fields, they were **waylaid** by Gajraj, Sukhbir, Harpal, Net Ram, a brother-in-law of Sukhbir and a relative of Gajraj who all attacked complainant's brother. It is alleged that while Sukhbir, Gajraj and Harpal fired with their weapons at Surinder, the remaining are also alleged to have inflicted injuries to Surinder with their respective weapons.
3. Learned counsel for the petitioner has submitted that a false case has been registered against the accused and that the falsity would be evident from the fact that all other accused except the petitioner were found innocent. It has further been submitted that now during the proceedings of trial complainant-Tarif as well as PW-4 Mewa Ram, PW-5 Krishan Kumar, PW-6 Mahabir were examined but, none of them has supported the case of prosecution. It has been submitted that the complainant has categorically stated that the assailants were unknown persons and he did not identify them. It has further been pointed out that the petitioner otherwise has been behind bars since the last about 3 years and 5 months.
4. Opposing the petition, learned State counsel has not disputed the fact that the witnesses have resiled and that the petitioner has been behind bars since the last about 3 years, but it has been pointed out that the petitioner stands involved in one more case under Section 307 IPC.

5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the petitioner has been behind bars for a substantial period of about 3 years and that the material witnesses including the complainant have resiled, further detention of the petitioner will not be justified. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

21.7.2022
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No