

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-22589-2022 (O & M)****Date of decision: 15.09.2022**

Jaideep @ Batua

.... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Rajat Mor, Advocate, for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.296 dated 06.07.2021 registered under Sections 323, 326, 148, 149, 307, 506 IPC and Section 25 of the Arms Act, 1959 registered at Police Station Jind Sadar, District Jind.

2. The brief facts of the case are that one Sunil got recorded his statement to the effect that on 06.07.2021 at about 8.30 p.m., while he alongwith Satender, Sumit and Bhupinder went to the canal to take a bath, then while they were on their way back one White colour Swift car with Delhi registration number came there and stopped. Jaideep @ Batua, the present petitioner, Soorja, Rohit @ Bindra, Pardeep son of Jagmender and Pardeep son of Ramkala got down from the said car. They had a dispute with his (complainant's) brother, namely, Anoop a few days back and due to that grudge, Jaideep @ Batua (the present petitioner) fired a gun-shot

stomach. Various other injuries were caused to the complainant-party. Thereafter, the accused ran away from the spot.

3. The learned counsel for the petitioner contends that the petitioner is undoubtedly the main accused. However, he is a boy of the age of 18 years with no prior criminal record. He is in custody since 08.07.2021 and both the eye-witnesses to the occurrence stand examined. He, thus, contends that if the petitioner was granted the concession of regular bail, there is no question of threatening the witnesses. He, however, concedes that the said witnesses have supported the prosecution case but submits that as many as 19 witnesses are yet to be examined, and therefore, the trial of the present case is not likely to be concluded anytime soon and at this stage, the further incarceration of the petitioner is not required, therefore, he be granted the concession of bail.

4. The learned counsel for the State on the other hand, contends that the petitioner is the main accused. He is the person who has caused a firearm injury on the person of Satender. He, however, does not dispute the fact that the petitioner is of the age of 18 years, only two prosecution witnesses have been examined out of 21 and the petitioner does not have any criminal antecedents.

5. I have heard the learned counsel for the parties.

6. Admittedly, the petitioner is the main accused. However, it is equally true that both the eye-witnesses stand examined and as such there is no possibility of the petitioner being able to threaten or intimidate the main witnesses. He is a first-time offender of the age of 18 years. All other co-accused have been granted the concession of bail. The injured was discharged from the hospital within a few days and as such is living a

7. Keeping in view the aforementioned facts, the further incarceration of the petitioner is not required, moreso, when the trial is not likely to be concluded anytime soon. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Jaideep @ Batua, is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. The petitioner shall appear on first Monday of every month before the local police station and shall furnish an affidavit each time that he is not involved in any other crime.

9. In addition, the petitioner shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from the Trial without sufficient cause.

(JASJIT SINGH BEDI)
JUDGE

September 15, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No