

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**CRM-M-23391 of 2022
Date of Decision:21.07.2022**

Randhir Alias Kala

---Petitioner

versus

State of Haryana

---Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Rajesh Gupta, Advocate
for the petitioner
Mr. Kanwar Sanjiv Kumar, AAG, Haryana

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 by the petitioner for seeking concession of regular bail in case bearing FIR No. 94 dated 01.05.2022 under Sections 323, 307, 506 and 34 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 registered at Police Station Bahalgarh, District Sonapat.

Facts, in brief, are that on 30.04.2022 a telephonic information was received that a firing incident has taken place at Bansal Telecom, Khewra Road, Bahalgarh. On this information, IO along with his colleagues went to the spot where complainant Pardeep Bansal moved a complaint in which he disclosed that he is running a shop under the name and style of Bansal Telecom on Khewra Road, Bahalgarh. On 30.04.2022 at about 7.30 PM, three boys came to his shop for changing the remote. He was not present at the spot. His salesman told those boys that owner is not available and when the owner comes, they can get the remote changed. On hearing this, the boys started grappling with salesman Ajay and started giving beatings to him. During this time, complainant also reached there

and tried to rescue Ajay. Those three boys gripped the complainant from neck and disclosed that they are residents of village Khewra. Then those boys apologized and matter was sorted out. After half an hour, Rohit, his father Randhir alias Kala and 3-4 other boys came to the shop and started threatening the complainant saying that how dare they beat Mohit. He claimed that he is involved in many cases and would kill the complainant with fire shots and would set his shop ablaze. On saying so, Rohit and his father Randhir Kala with 3-4 boys came out of the shop. Complainant stated that he also came out of the shop. When he was standing outside the shop then during this time, Mohit came on a bike and took out the pistol from the pocket of his trouser. Rohit by snatching the pistol from his brother Mohit, fired at the complainant for the purpose of killing him but the shot missed the target and bullet hit at the shutter of adjacent shop of Wadhwa Telecom. That shop was closed. Mohit's father commanded to reload the pistol and kill the complainant but somehow Rohit could not reload the pistol. During this time, shopkeepers and public persons came at the spot. On seeing them, Mohit, Rohit, his father and his companions fled away from the spot giving threat of life to him. Mohit and Rohit were arrested on 03.05.2022 and their three-days police remand was obtained. Mohit got recovered .315 bore empty cartridge and one live cartridge .315 bore. Randhir alias Kala (petitioner herein) was arrested on 03.05.2022.

Learned counsel for the petitioner contends that the petitioner is in custody since 03.05.2022 and the only attribution against the petition is of raising lalkara and exhortation. He contends that no injury was sustained by any of the persons in the said incident and that even the gun fire shot is attributed to co-accused Rohit. He further contends that the

investigation in the case is already complete and no recovery was effected from the petitioner. The petitioner has no criminal antecedents and that the petitioner is not involved in any other case.

Learned State counsel, however, contends that the petitioner had duly accompanied his sons Rohit and Mohit-co-accused persons and it was on his exhortation that the incident had taken place. He does not dispute the fact that the petitioner does not have criminal antecedents. It is submitted that the investigation is already complete. Furthermore, he does not dispute that no recovery has been effected from the petitioner.

Taking into consideration the circumstances noticed above and the fact that the petitioner has no criminal antecedents along with absence of any injury and the fact that charge has not been framed in the case, the instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

The petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

21.07.2022

PARAMJIT

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