

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

213

**CRM-M-23537 of 2022 (O&M)
DECIDED ON: 5th December, 2022**

Rakesh @ Raka

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. B.S. Rana, Sr. Advocate with
Mr. Nayandeep Rana, Advocate for petitioner.

Ms. Geeta Sharma, DAG Haryana.

AVNEESH JHINGAN, J (ORAL)

This is second petition seeking regular bail in case of FIR No. 95 dated 2.3.2021, under Sections 302 IPC, 1860 and Section 25/30 of Arms Act, 1959, registered at Police Station Sadar Jind.

Earlier petition was withdrawn on 4.2.2022 as the complainant was not examined at that time.

The brief facts are that FIR was registered at the instance of Rajbir @ Raja. It was narrated that on 1.3.2021 brother of complainant Sukhbir (deceased) Rishi, Ashok, Parmesh, Manoj, Raka @ Rakesh (petitioner) Ravinder, Pardeep, Vinod @ Bulli were sitting in the drawing room in the house of petitioner for settlement of account of liquor vend. During conversation temper rose, Pardeep took up a licenced revolver of the petitioner lying in the room, fired upon the deceased. The Bullet hit upper portion of the eye and during treatment the deceased succumbed to the injuries.

Learned Senior counsel for the petitioner submits that the petitioner is in custody since 3.3.2021, no active role has been attributed to the petitioner. The main allegation is that his licensed weapon was used by Pardeep. The contention is that no recovery is to be made. It is further argued that offence under Section 120-B IPC was deleted during investigation and

Learned State counsel opposes the prayer and on instructions from ASI Satish Kumar submits that the petitioner is involved in six more FIR and his licensed weapon was used by the co-accused.

Learned Senior counsel appearing for the petitioner submits that in all six cases the petitioner has been acquitted.

The observations made hereinafter are only for the purpose of deciding the bail petition and shall not be construed as an expression of opinion on the merits of the case.

Having conspectus of the facts; the petitioner has been charged under Section 30 of Arms Act; offence under Section 120-B IPC has been deleted; the licensed weapon has already been recovered; no further recovery is to be made and conclusion of trial is likely to take time, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

Since the main case has been decided, the pending application, if any is rendered infructuous.

5th December, 2022

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**(AVNEESH JHINGAN)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>