

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(205)

CRM-M-25756-2021 (O&M)

Date of decision: - 04.07.2022

Ravinder @ Ravi

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Ram Bilas Gupta, Advocate
and Mr. Sarvesh Kumar Gupta, Advocate,
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

Mr. Anubhav Siwach, Advocate
for Mr. Balraj Gujjar, Advocate
for the complainant.

VIKAS BAHL, J. (ORAL)

CRM-21300-2022

Present application has been filed under Section 482 Cr.P.C.
for placing on record copy of zimni orders as Annexure P-5.

Application is allowed, as prayed for. Copy of zimni orders
(Annexure P-5) is taken on record, subject to all just exceptions.

CRM-M-25756-2021

This is a first petition under Section 439 Cr.P.C. for grant of
regular bail in FIR No.4 dated 17.01.2021, under Sections 307, 325 and

34 of the Indian Penal Code, 1860 and Sections 25/54/59 of the Arms Act, 1959, registered at Police Station Hassanpur, District Palwal.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 31.01.2021 and there are 18 prosecution witnesses, out of which, only 2 have been examined and 16 are yet to be examined, thus, the trial is likely to take time. It is further submitted that petitioner is not involved in any other case and there is a delay of more than 10 days in the registration of the FIR, inasmuch as, the alleged incident had taken place on 06.01.2021, whereas the FIR had been got registered on 17.01.2021. It is also submitted that the petitioner has been falsely implicated on account of the fact that there was an earlier dispute with respect to the death of the father of the present petitioner.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that, as per the allegations in the FIR, the petitioner had fired shots at the complainant and there were 5 fire arm injuries caused to the complainant, including an injury on the head of the complainant, which was declared as dangerous to life. It is further submitted that from the petitioner, recovery of a country made pistol and one live cartridge has been made. It is also stated that the complainant is yet to be examined in the present case.

Learned counsel for the petitioner, in rebuttal, has referred to the zimni orders (placed on record as Annexure P-5), to show that in spite of multiple opportunities of hearing and even after summons had been issued to the complainant PW- Naresh, he had not appeared in the witness box. It is also submitted that it has been mentioned in the zimni order

dated 27.04.2022 that PW-2 Naresh, who is complainant in the present case, is confined in Neemka Jail, Faridabad.

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner has been in custody since 31.01.2021 and there are 18 prosecution witnesses, out of which, only 2 have been examined and 16 are yet to be examined, thus, the trial is likely to take time. The petitioner is stated to be not involved in any other case. There was a delay of more than 10 days in the registration of the FIR, inasmuch as, the alleged incident had taken place on 06.01.2021, whereas the FIR had been got registered on 17.01.2021. A perusal of the zimni orders pertaining to the dates ranging from 17.11.2021 to 06.05.2022, would show that in spite of the fact that summons had been issued to PW Naresh (complainant), he had not appeared. In the zimni order dated 27.04.2022, it had also been mentioned that PW-2 Naresh is confined in Neemka Jail.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

July 04, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	Yes