

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

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CRM-M-26367-2021

Date of Decision : July 21, 2022

VINOD

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Rakesh Nehra, Sr. Advocate assisted by
Ms. Bindu Tanwar, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.175 dated 3.7.2020 under Sections 307, 34, 120-B IPC and Section 25 of Arms act, 1959, registered at Police Station Sadar, Bahadurgarh, Distt. Jhajjar.

The learned Sr. counsel has submitted that the petitioner is in custody for more than 2 years. He submitted that the complainant as well as his brother who is the injured have already been examined and it is a case where in the FIR as well as in the subsequent statement it has been stated by the complainant and the injured that two persons with muffled faces had come and fired. Thereafter, they came to know that the present petitioner had fired gun shots on the injured and the reason for the same was that the complainant had purchased one acre of land from the father

of the petitioner about 3-4 years back when the petitioner was in custody and this was the reason that he was having a grudge against him. The learned Sr. counsel submitted that the entire prosecution story is based upon suspicion and on the basis of the suspicion itself he was apprehended whereas he has no role to play with the offence. He further submitted that the story put forward by the prosecution was totally doubtful and inconsistent. He submitted that be that as it may, the petitioner has already suffered incarceration for more than 2 years and the material witnesses who are the complainant and the injured have already been examined and the trial of the case may take long time since the total number of witnesses cited by the prosecution are 36. He further submitted that that he was earlier involved in one case under Sections 498-A/304/302 IPC which was a matrimonial dispute in which he has already been acquitted.

On the other hand, the learned State counsel has submitted on instructions from SI Krishan Kumar that it is correct that the petitioner is in custody for more than 2 years and the material witnesses including the complainant and the injured have been examined. The learned State counsel further stated that it is also correct that the petitioner was involved in one more case in which he already stands acquitted. He has, however, opposed the grant of bail to the petitioner on the ground that the matter was serious in nature because the petitioner had fired upon the injured.

I have heard the learned counsels for the parties.

The petitioner is in custody for more than 2 years. As per the

learned counsel for the parties, the material witnesses have already been examined. The petitioner was involved in one more case which according to learned counsel for the parties, he has already been acquitted. The ground taken by the learned State counsel while opposing the bail that since the matter was serious in nature, the petitioner should be denied bail is not sustainable. The trial of the case may take long time and it is neither the case of the State nor it has been argued by the learned State counsel that in case the petitioner is released on bail then he may influence any witness or may tamper with any evidence or may flee from justice.

Therefore, considering the totality of the circumstances of the present case, I deem it fit and proper to grant bail to the petitioner.

Consequently, the petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

July 21, 2022

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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No