

CRM-M-27188 of 2022

[1]

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-27188 of 2022

Date of Decision: 6th July, 2022

Pankaj

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. S. S. Duhan, Advocate for the petitioner.
Ms. Geeta Sharma, DAG, Haryana.

AVNEESH JHINGAN, J (Oral):

This is second petition under Section 439 Cr.P.C. seeking regular bail in FIR No. 1088 dated 22.11.2019, under Sections 307, 323, 452, 34 IPC and Section 25 of the Arms Act, 1959 registered at Police Station Panipat City.

The earlier petition was withdrawn on 19.7.2021 with liberty to revive the prayer at a later stage.

In the FIR, the allegations are that complainant-Sunil had a business in the name and style of Emdian Travels at Panipat in which Shishpal, who was a bus driver became a share holder. However, later on due to difference, Shishpal withdrew. On 21.11.2019, Shishpal along with two accomplices Vinod Jogi @ Manoj and Pankaj (petitioner) came to the office. All of them were having weapons. Shishpal fired a gun shot which struck on the left shoulder of the complainant. The shot fired by the petitioner did not hit the complainant.

Learned counsel for the petitioner submits that the petitioner

submits that the petitioner is in custody since 20.2.2020. He further submits that the complainant has not supported the case of the prosecution, during his deposition he stated that the petitioner was not present at the place of occurrence. He further relies upon the fact that co-accused was granted bail by this court.

Learned counsel for the State opposes the prayer for grant of bail and submits that the petitioner is involved in six more cases. However, on instructions, she is not able to refute the contention raised by learned counsel for the petitioner that the complainant has not supported the case of the prosecution against the petitioner.

Without commenting on the merits of the case or on the deposition of the complainant, considering the custody period, the fact that conclusion of trial is likely to take time and co-accused was granted bail by this court, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]

JUDGE

6th July, 2022

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1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No