

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(206)

CRM-M-27438-2022

Date of decision: - 30.06.2022

Vikas

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Siddharth Gulati, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail in DDR No.19 dated 05.02.2022 under Sections 148, 149, 307, 323 and 324 IPC (Section 326 IPC has been added later on) and Section 27 of the Arms Act (Annexure P-1) registered against FIR No.75 dated 05.02.2022, under Sections 148, 149, 302 and 120-B IPC, at Police Station Pundri, District Kaithal.

Learned counsel for the petitioner has submitted that in the present case, an FIR No.75 dated 05.02.2022 under Sections 148, 149, 302 and 120-B IPC was got registered by Jasbir Singh belonging to the party of the present petitioner with respect to the injuries caused by the

present complainant party, which resulted in the death of Ankit, nephew of Jasbir Singh, and injuries were also inflicted upon the other persons belonging to the petitioner's party. Reference has been made to the said FIR, in which, Dhanpat, who is the complainant in the cross-version, along with other co-accused, is alleged to have caused injuries to Ankit and other persons belonging to the party of the petitioner and on account of the same, the said Ankit had succumbed to the injuries inflicted. It is further submitted that the petitioner has been made an accused in the cross-version and as per the cross-version/DDR, no specific injury has been attributed to the present petitioner and it has been mentioned in the FIR that from the side of the Jagdev @ Jagga, shots were fired. It is further submitted that it is the complainant party in the DDR who were the aggressors in the said incident. It is also submitted that the petitioner is in custody since 07.02.2022 and the challan has been presented and there are 22 prosecution witnesses, none of whom have been examined and the trial is likely to take time. It is also submitted that the petitioner is not involved in any other case.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that although, in the FIR, it has not been specifically mentioned that it was the petitioner who had fired shots, but during the course of the investigation, it has been found that it was the petitioner who had fired and the recovery of the licenced pistol has also been made from the present petitioner. It is however not disputed that no fire arm injury has been caused to the complainant party even as per the version given in the DDR. The other

factual aspects however, have not been disputed by learned State counsel.

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

The petitioner has been in custody since 07.02.2022 and the challan has been presented and there are 22 prosecution witnesses, none of whom have been examined and the trial is likely to take time. The petitioner is stated to be not involved in any other case. The FIR No.75 dated 05.02.2022 had been got registered under Sections 148, 149, 302 and 120-B IPC on the complaint made by Jasbir Singh belonging to the party of the petitioner and in the said FIR, it had been alleged that the complainant Dhanpat, along with other co-accused, had inflicted injuries upon Ankit, on account of which he had died and they had also caused injuries to other persons from the party of the petitioner. A perusal of the cross-version (Annexure P-1), in which, the petitioner has been made an accused, would show that no specific injury has been attributed to him, although subsequently, in the investigation it has come out that the petitioner had also fired from his licenced revolver, but there is no fire arm injury caused to the complainant party, much less by the petitioner.

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.

June 30, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	Yes