

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

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**CRM-M-28113-2022 (O&M)  
Date of decision: 08.09.2022**

**Deepanshu****...Petitioner**

**Versus**

**State of Haryana****...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Sajjan Singh, Advocate  
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

**ARVIND SINGH SANGWAN, J. (Oral)**

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 448 dated 19.10.2021, registered under Sections 34, 307, 506 of the IPC and Section 25 of the Arms Act, 1959 at Police Station Bahadurgarh, District Jhajjar.

The first petition, bearing CRM-M-16795-2022, was dismissed as withdrawn on 10.05.2022.

Learned counsel for the petitioner submits that the new ground for filing the present petition is that the petitioner is in judicial custody of more than 09 months and all the three private witnesses, including victim/injured, have not supported the prosecution version and even one of the co-accused, namely Deepak, has been granted the concession of regular bail by the trial Court, vide order dated 15.03.2022.

Brief facts of the case are that on 18.10.2021, complainant Sangeeta recorded her statement before the Police that her husband Kuldeep

Singh was taken to a hospital as he suffered injuries in a fight with Deepanshu and others. It is further stated that on 19.10.2021 at about 03:30 AM, Deepanshu with some other persons again came outside her house and opened the main door of her house. At that time, Deepanshu was armed with a pistol and he opened fire at her with intention to kill her but she had an escape. On hearing the noise, Nafe Singh, who is the younger brother of father-in-law of the complainant, came at the spot, due to which, Deepanshu and others ran away from the spot.

Learned counsel for the petitioner has referred to the deposition of PW-1/complainant Sangeeta, in which she has stated that on 19.10.2021 at about 03:30 AM, someone rang up the bell of her house, on which, she opened the gate of the house and three unknown persons fired twice fired on the wall and ran way from the spot. She further stated that she has seen the accused persons in Court and they are not the persons who opened fire. On the asking of public prosecutor, this witness was declared hostile. In cross-examination by the public prosecutor, when she was confronted with complaint Ex. PW1/A, she stated that her signatures were obtained on a blank paper and she has never stated in the manner as reflected in the FIR. She denied the suggestion that she is intentionally not identifying the accused persons as a compromise has been effected with the accused persons.

Learned counsel has further referred to the statement of PW-2 Kuldeep Singh, alleged injured witness, who have also not supported the prosecution version and he was also declared hostile. This witness, in his cross-examination, denied to have made any statement Ex. PW2/A. He also denied that any compromise has been effected between the parties. Similar

is the statement of PW-3 Saroj, mother of Kuldeep Singh, who stated that the persons present in Court are not the accused persons, who fired at the wall of her house. This witness was also declared hostile.

Learned counsel for the petitioner has further submitted that all the private witnesses have already been examined and there is no possibility for the petitioner to tamper with the evidence and since the said witnesses have not supported the prosecution's case, even the chances of the conviction are very bleak.

Learned counsel further submitted that it is a case, where no one is injured and even no fire arm has been recovered from the petitioner.

Learned State counsel, on instructions from the Investigating Officer, could not dispute the aforesaid factual position.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody for the last more than 09 months and also in view of the fact that complainant Sangeeta, victim Kuldeep Singh as well as his mother Saroj have not supported the version of the prosecution and they have been declared hostile, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

**08.09.2022**

*Waseem Ansari*

**(ARVIND SINGH SANGWAN)  
JUDGE**

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*