

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

CRM-M-32661-2021 (O&M)

Date of decision : 29.04.2022

Virender @ Bittoo

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rakesh Nehra, Sr.Advocate with
Mr. Reetesh Kumar and Mr. Atul Ravish, Advocates
for the petitioner.

Mr. Jaspal S.Pannu, AAG, Haryana.

Mr. Lekh Raj Nandal, Advocate for the complainant.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.218 dated 22.06.2021 registered under Sections 307, 323, 341 and 34 Indian Penal Code, 1860 and Sections 25 and 27 Arms Act, 1959 at Police Station IMT, District Rohtak, who is in custody since his arrest on 22.06.2021.

The allegations in the FIR as noticed by the learned Additional Sessions Judge, Rohtak in the order dated 23.07.2021 are as under:-

“As per reply filed by the prosecution, the instant case was registered on the statement of Sunil alleging

therein that he is an agriculturist. On 22.06.2021, at about 9.00 am, he was going on his motor-cycle Hero Splender bearing registration No.HR-95-4113 and when he was crossing the house of Virender @ Bittoo, Virender @ Bittoo got stopped him due to revenge and slapped him. Virender also pushed him (complainant) down from the motor-cycle. Thereafter, Sahil (son), Bharti (daughter) and Sudesh (wife) of Virender also came there. They all took the complainant in the house and gave beatings to him. Parmod, Rajinder and his wife saved him from the clutches of accused. He got treatment from CHC Sample and made a complaint in IMT Police Station. Thereafter, he went to his house situated in village Chuliana. Virender @ Bittoo walked in front of his house many times. He alongwith Jitender and Sandeep was going to police station in his car No.HR-12AH-8186. They saw the car of Virender @ Bittoo in front of Maharaja Hotel, due to fear they (complainant party) went towards village Kheri Sadh, where Virender @ Bittoo got stopped his vehicle near the car of the complainant and fired at Jitender with Doga gun, but the fire missed Jitender. Virender again fired at him (complainant), which hit him at his right shoulder. The family members of complainant got him admitted in PGIMS, Rohtak. The complainant Sumit prayed to take legal action against the culprits as they had fired at him with intention to kill him. On the basis of the above statement, instant case was registered.”

Learned senior counsel for the petitioner has argued that in the alleged occurrence, both sides got registered their respective version against each other and as per complainant-Sunil, the petitioner initially fired at Jitender, who did not suffer any injury and second shot fired by him hit on the right shoulder of the complainant, but according to him, petitioner acted in self defence as he along with his wife was going to lodge a case against Sunil (complainant), when they were attacked. According to him, on the statement of petitioner's wife, cross

version was recorded through FIR No.0222 dated 24.06.2021 under Sections 323, 34, 341, 354-B and 506 IPC at Police Station IMT Rohtak (Annexure P-3). He submits that investigation in both the cases is complete and though the FIR No.0222 dated 24.06.2021 ended in submission of cancellation report, but the petitioner is in process of filing a protest petition. He further submits that previously petitioner was released on interim regular bail for a period of three weeks to enable him to solemnize the marriage of his daughters and the said concession was not misused by him. He further states that the petitioner has lost his father on 24.04.2022, therefore, the he be released on bail.

On the other hand, learned counsel for the complainant opposed the prayer, who has argued that the petitioner had falsely set up a cross case and the same has been rightly cancelled by Police and since the petitioner has caused gunshot injury to the complainant, therefore, he does not deserve the concession of regular bail. According to him, when petitioner was released on interim bail, even in that period he extended threats and the complaints were given to the police in this regard also, however, those complaints are not on record.

Learned State counsel assisted by SI Rattan does not dispute the above sequence of events narrated by learned counsel for the complainant and accused. According to him, investigation of the case is complete and after framing of charges, no prosecution witness has been examined so far out of total 25 witnesses.

After hearing learned counsel for the parties, considering the above background as well as the fact that the trial is yet to commence, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest on 22.06.2021.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

29.04.2022

vanita

Whether speaking/reasoned :

Whether Reportable :

(MANOJ BAJAJ)

JUDGE

Yes

No

Yes

No