

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(224)

CRM-M-30311-2022

Date of decision: - 21.07.2022

Happy

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Rajesh K. Dhankhar, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.144 dated 27.02.2022, under Sections 307, 384, 506, 120-B and 34 IPC and Section 25 of the Arms Act, 1959, registered at Police Station Shivaji Colony, Rohtak, District Rohtak..

Learned counsel for the petitioner has submitted that in the present case, the FIR had been registered against unknown persons and as per the FIR, there were three boys who came to the shop of the complainant and demanded money and one of the said boys fired from the pistol which hit on the left hand of the complainant. It is further submitted that as per the case of the prosecution, it is apparent from the order dated 13.06.2022 passed by the Additional Sessions Judge, that the present petitioner was standing outside the shop along with the motorcycle and

was not the person, who had gone inside the shop and had thus, neither demanded any extortion money, nor caused any injury. It is also submitted that the petitioner is in custody since 28.02.2022 and the challan has already been presented and there are 27 prosecution witnesses, none of whom have been examined, thus, the trial is likely to take time. It is stated that the petitioner is not involved in any other case and is a young boy of 20 years and is a student of BA-IIIrd year.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that as per the CCTV footage the petitioner was seen outside the shop and from him the recovery of the said motorcycle has been made.

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

The petitioner is in custody since 28.02.2022 and the challan has already been presented and there are 27 prosecution witnesses, none of whom have been examined, thus, the trial is likely to take time and the petitioner is stated to be not involved in any other case. A perusal of the FIR would show that the same had been registered against three unknown persons in which the allegations had been made that the three young boys had come into the shop and had demanded money from the complainant and one of the boys had taken out the pistol and had fired, which had hit upon the left hand of the complainant. As per the prosecution case, the petitioner is not the person who had gone inside the shop and during the course of arguments, it has been stated that it was Vineet, who had fired and other two accused, namely, Deepak and Yash

had gone inside the shop with him and the present petitioner was standing outside the shop with the motorcycle. It is submitted that the petitioner is 20 years old and is a student of BA-IIIrd year and the recovery has already been recovered from him.

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.

July 21, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No