

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

CRM-M-32904-2022 (O & M)

Date of decision: 03.08.2022

Ajay

.... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Manoj Chahal, Advocate, for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

Mr. Vikas, Advocate, for
Mr. Kamal Mor, Advocate, for the complainant.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.141 dated 13.03.2022 under Sections 148, 149, 323, 307, 120-B, 506 IPC and Sections 25/27 of the Arms Act with Police Station Meham, District Rohtak.

2. The brief facts of the case are that the statement of Shamsheer Singh son of Govardhan Singh was recorded to the effect that he had a son by the name of Balram, who used to work as a driver with Kaptaan alias Sweety son of Ramphal. The said Kaptaan alias Sweety wanted to get Urmila Kinnar killed through his son. However, as his son did not want to commit a wrong, therefore, he left the job of Kaptaan alias Sweety because of which, he (Kaptaan @ Sweety) had enmity with the son of the

complainant and threatened to kill him. On 13.03.2022 at about 11.30 a.m., 8 or 9 boys in car Nos. HR-11N-5100 (Fortuner) and HR-15D-5421 (Creta), attacked his son and him by firing from weapons. One of the bullets struck his (complainant's) right hand while the other struck his (complainant's) chest on the left side. The accused ran away from the spot with their weapons leaving behind their cars. The names of the accused were Somvir, Ajay (the present petitioner), Rohit alias Anchit, Vikas alias Sonu, Vikram Vagdi and 2-3 other boys. Legal action was sought. Based on the said information, the present FIR came to be registered.

3. The learned counsel for the petitioner contends that the petitioner is in custody since 13.03.2022. The investigation stands completed and challan has already been filed but since the charges have not been framed, the trial of the present case is not likely to be concluded in the near future, and therefore, the further custody of the petitioner is not required. It is also contended that the matter stands compromised with the complainant. Reference is made to the statement of the complainant recorded by the trial court while granting bail to the co-accused-Kaptaan alias Sweety.

4. The learned counsel for the State, on the other hand, submits that a serious offence has been committed. The licensed weapon of the petitioner was recovered from him and the petitioner is the main assailant. He, therefore, contends that mere factum of effecting a compromise would not allow the petitioner the benefit of bail.

5. The learned counsel for the complainant has, however, categorically supported the case of the complainant and stated that the matter stands resolved between the parties and he has no objection if the petitioner

6. I have heard the learned counsel for all the parties at length.

7. Admittedly, the petitioner is in custody since 13.03.2022 and the investigation stands completed and challan filed. The trial has not commenced, and therefore, as such the further incarceration of the petitioner is not required, moreso, when a settlement has been arrived at between the parties. Even otherwise, the petitioner is first-time offender and does not have any other case registered against him.

8. In view of the above, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Ajay, is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

(JASJIT SINGH BEDI)
JUDGE

August 03, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No