

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

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CRM-M-36603-2021

Date of Decision: 15.02.2022

Yogesh ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Sukhcharan Singh Gill, Advocate, for
Mr. Pratham Sethi, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.529 dated 15.11.2020 at Police Station Sadar Sonapat, District Sonapat, under Sections 148/149/307 IPC and Section 25 of the Arms Act.
2. The FIR in question was lodged at the instance of Vicky, wherein it is alleged that on 14.11.2020 he had gone to the house of his uncle. At about 10:30 p.m., a Wagon-R car came in front of his uncle's house in which Mukesh and his sons Neeraj and Yogesh were sitting alongwith Mandeep and son of brother of Mukesh, who were all under influence of liquor and were hurling abuses. When the complainant opened the door, Neeraj and Yogesh, who were carrying pistols, started firing upon them indiscriminately. The others were also carrying weapons. The complainant stated that he sustained a bullet injury on his waist. Upon

- hearing the noise of firing, their neighbours gathered at the spot and thereafter the assailants fled away.
3. Learned counsel for the petitioner has submitted that although as per the FIR, it is alleged that the petitioner as well as his brother Neeraj had fired at the complainant, but during the course of investigation when Neeraj was interrogated, he disclosed that he only had fired at the complainant. Learned counsel has further submitted that the investigating agency has, however, made an attempt to implicate him by falsely fabricating a recovery memo to the effect that a stick was recovered from the petitioner, whereas the MLR does not reflect any injury to have been caused to the complainant with the help of a stick and that the only injury found as per the MLR is fire arm injury.
4. On the other hand, learned State counsel has opposed the petition on the ground that during the course of interrogation of co-accused Neeraj, he had stated that he had fired the shot on the asking of the present petitioner. Learned State counsel has, however, not disputed the fact that no injury with the help of a stick was found on the person of the complainant. It is also not disputed that no offence under the Arms Act was found to have been committed by the present petitioner and that no charges in respect of such offence have been framed by the trial Court. Learned State counsel has, however, informed that the petitioner has been behind bars since the last about 1 year & 2 months and that as on date out of cited 20 PWs, no PW has been examined. It has also been informed that the petitioner, otherwise, is not involved in any other case.
5. I have considered rival submissions addressed before this Court.

6. Having regard to the fact that the allegations as regards firing by the petitioner were not found to be substantiated and the fact that the petitioner has been behind bars for a substantial period of about 1 year & 2 months and not even a single PW out of cited 20 PWs has been examined so far and while also noticing that the petitioner, otherwise, has a clean record, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

15.02.2022

Vimal

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**