

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

CRM-M-33634-2022
Date of Decision:-**28.10.2022**

KARAMBIR @ BHERA

... Petitioner

Versus

STATE OF HARYANA

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. G.P.S. Ghuman, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

Mr. Rakesh Nagpal, Advocate
for the complainant.

-.-

KARAMJIT SINGH, J. (Oral)

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.133 dated 4.6.2022 registered under Sections 120-B, 148, 149, 307, 323, 341, 506 IPC and Section 27 of Arms Act at Police Station Tohana District Fatehabad.

The counsel for the petitioner submits that the petitioner who purchased 1.5 acres of land from co-accused Sat Narayan, has been falsely implicated in the present case by alleging that the petitioner raised '*Lalkara*' and caught Pardeep son of complainant, along with his associates while Sat

Narayan fired shots, which hit Pardeep. The counsel for the petitioner has further submitted that land dispute is going on between complainant and aforesaid Sat Narayan, who are real brothers. It is further submitted that the petitioner was alleged to be empty handed and no injury has been attributed to him. The counsel for the petitioner further submits that the petitioner is in custody for the last about 5 months and is having no criminal history and the trial is yet to commence and as such prayer is made for grant of bail to the petitioner.

The instant petition is contested by the State counsel as well as counsel for the complainant, both of whom argued that the petitioner along with Jasvir, Vinod @ Kala and Paramjit caught hold of Pardeep and then co-accused Sat Narayan fired at him with his licensed revolver as a result of which Pardeep sustained injuries. However, the state counsel has not disputed the fact that after completion of investigation police has presented the challan and main accused Sat Narayan is lodged in custody

I have considered the submissions made by counsel for the parties.

As per the custody certificate furnished by the State counsel, the petitioner is in custody for the last more than 4 months and 24 days and is having no criminal antecedents. There are allegations against the petitioner that at the time of occurrence the petitioner and Jasbir Singh raised *Lalkara* and exhorted Sat Narayan to fire shots and then the petitioner, Jasbir, Vinod @ Kala and Paramjit caught hold of Pardeep while co-accused Sat Narayan fired shots with his licensed revolver which hit Pardeep son of complainant and thereafter all the accused fled away from there. The main accused

namely Sat Narayan has been arrested by the police. In the present case, no injury has been attributed to the present petitioner who was stated to be empty handed at the time of alleged occurrence. After completion of investigation, challan has been presented but it will take time for the trial to conclude after its commencement. As it will take considerable time for termination of the trial, no purpose is going to be served by keeping the accused behind the bars for any longer period.

Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

28.10.2022
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No