

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Date of Decision:-01.12.2022

CRM-M-37693-2022(O&M)

Vishal Kumar @ Soni.

.....Petitioner.

Versus

State of Haryana.

.....Respondents.

AND

CRM-M-37709-2022(O&M)

Sourabh.

.....Petitioner.

Versus

State of Haryana.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Balraj Gujjar, Advocate for the Petitioner
(in CRM-M-37693-2022(O&M).

Mr. V.K. Gupta, Advocate for the Petitioner
(in CRM-M-3770-9-2022(O&M).

Mr. Neeraj Poswal, Assistant Assistant Advocate General,
Haryana.

JASJIT SINGH BEDI, J. (ORAL)

By this common order I shall dispose of both the aforesaid
regular bail applications as they have arisen out of one and the same FIR.

The brief facts of the case are that the statement of Deepak
Kumar was recorded to the effect that he and his friend Vishal returned to
Jagadhari from Patna where Vishal was working as a jeweller. Thereafter on

06.06.2022 he & Vishal on his Activa motor cycle bearing registration number HR02AP-9083 went to meet their friend Sourabh resident of Jaroda. Thereafter he, Vishal and Sourabh went towards village Ahluwala and after covering some distance Sourabh asked Vishal to stop the Activa. Three of them started talking to each other. Then Vishal showed a pistol to Sourabh after taking the same out from his pocket. Then on his asking, Vishal handed over the pistol to Sourabh. Suddenly, Sourabh fired from the pistol directly hitting his abdomen. He fell down on the earth and became unconscious. Vishal Soni and Sourabh had fired a shot at him with an intention to kill him.

The Counsel for the petitioner-Vishal Kumar @ Soni contends that the injured complainant received only one firearm injury which has been attributed to accused Sourabh and the petitioner has no role to play in the occurrence. In fact, it was an accidental shot and the FIR does not disclose any motive or any enmity. The accused person and the complainant/injured were friends. The petitioner was in custody since 08.06.2022 and 21 prosecution witnesses were cited in the list of witnesses. Since only a few of them had been examined, the trial of the present case was not likely to be concluded any time soon and the petitioner ought to be granted the concession of bail more so when he is not involved in any other case.

The Counsel for the petitioner-Sourabh contends that the allegations against the petitioner are baseless. The shot was fired accidentally and there was no motive for the occurrence. In fact the three of them were friends for the last three years and the complainant/injured himself went to Patna to meet his co-accused Vishal. Thereafter they had

all met up when the alleged occurrence took place. The petitioner was in custody since 08.06.2022 and the weapon already stood recovered from the co-accused Vishal. Since the petitioner had clean antecedents his further incarceration was not required.

The Counsel for the State on the other hand contends that specific allegations have been levelled against the petitioners. Vishal handed over the pistol to Sourabh and immediately thereafter Sourabh fired a shot on the stomach of injured/complainant. The weapon of offence already stands recovered. The nature of the allegations against the petitioners do not entitle them to the grant of bail. He however, admits the fact that the petitioners have clean antecedents and there is no other case registered against them.

I have heard learned Counsel for the parties at length.

Admittedly, the petitioners are in custody since 08.06.2022. A perusal of the FIR would also show that the petitioners and complainant/injured were friends. It would be a moot point during the course of Trial as to whether the shot was fired accidentally or not. At this stage, the further incarceration of the petitioners is not required as the injured is hale and hearty and has not suffered any permanent disability.

Thus, without commenting on the merits of the case, both the aforesaid petitions are allowed and petitioners-**Vishal Kumar @ Soni** son of Sh. Pardeep Kumar and **Sourabh** son of Sh. Som Nath are ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.

The petitioners shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and

inform in writing that he is not involved in any other crime other than the present case.

If the petitioners or their family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.

In addition, the petitioners (or any one on their behalf) shall prepare a FDR in the sum of Rs.1,00,000/- each and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

Petitions stand disposed of.

(JASJIT SINGH BEDI)
JUDGE

December 01, 2022

Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>