

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

**CRM-M-36656-2022 (O&M)
Date of Decision : 25.08.2022**

LOKESH

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MR. JUSTICE SANJAY VASHISTH

Present:- Mr. M. S. Tewatia, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

The instant petition has been filed under Section 439 of Cr.P.C., for grant of regular bail to the petitioner in case FIR No.01 dated 02.01.2022 under Sections 148, 149, 307, 323, 452 and 506 IPC and Section 25 of Arms Act registered at Police Station Chandhut, District Palwal and challan has been filed under Sections 452, 307, 506 and 34 IPC and Section 27 of Arms Act.

Learned counsel for the petitioner herein would contend that the petitioner has been falsely implicated in the said matter. It is submitted that as per the version in the FIR, there are common allegations qua all the accused for firing shots without specifying that who is the main accused. It is further submitted that the prosecution has already been examined and material witnesses namely injured Aslam (PW1, Amin (PW 2), Sahil (PW3) and Jahid (PW4) are not supporting the case of the prosecution and have been turned hostile by the prosecution.

Learned Counsel for the petitioner further submits that two co-accused of the petitioner namely Devrattan @ Gullu @ Devratan Dagar and Harender @ Bada Gullu have already been granted concession of bail by the Co-ordinate Bench of this Court vide orders dated 29.07.2022 and 09.08.2022, respectively. Conclusion of the trial is likely to take long time and custody of petitioner would no longer required.

Learned counsel for the respondent-State opposes the bail application referring to the serious allegations as contended in the FIR. Learned State counsel, on instructions from ASI Kushal Kumar, submits that there is one another FIR registered against the petitioner-herein i.e. FIR No. 05 dated 02.01.2021 under Sections 467, 468, 471, 120-B and 34 IPC registered at Police Station DLF-III, Gurugram. However, he is not able to deny the statement made by learned counsel for the petitioner that the prosecution witnesses have failed to support the prosecution version of present case.

I have heard counsel for the parties and have also perused case file.

In view of the facts and circumstances of the case, where petitioner is in custody since 09.01.2022 and the witnesses have not supported the case, as injured and alleged eye-witnesses have not identified the petitioner, therefore, for seeking conviction of the petitioner some very sound evidence would require.

Without commenting on the merits of the case and that co-accused have been granted concession of bail and trial is likely to take long; present petition is allowed and the petitioner is ordered to be

released on regular bail on his furnishing adequate bail and surety bonds to the satisfaction of trial Court/Duty Magistrate concerned. Petitioner would also give an undertaking to the trial Court to the extent that during the pendency of the case he will not try to influence other witnesses.

Petition is allowed.

However, it is clarified that observations made hereabove shall not be construed as an expression of opinion on the merits of the case.

25.08.2022
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(SANJAY VASHISTH)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No