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

CRM-M-38120-2022 (O&M)

Date of decision : 10.11.2022

Parvesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Rajesh Goyal, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is the second petition filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in FIR No.389 dated 20.09.2021 registered under Sections 302 of Indian Penal Code, 1860, 25-54-59 and 29-54-59 of the Arms Act, at Police Station Industrial Sector-29, Panipat, Haryana.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 31.03.2022 and there are 18 prosecution witnesses, out of which, 9 prosecution witnesses have been examined as yet and thus, the conclusion of the trial is likely to take time. It is further submitted that in the present case, neither the petitioner was present at the place of occurrence nor there is any allegation that the petitioner has given any injury to any person and that the petitioner has only been involved in the present case on account of the fact that the petitioner had sold the countrymade pistol belonging to his father to Vijay who had used the same for killing Muskan, whom he had married

and who had refused to accompany him. It is contended that even as per the disclosure statement of the present petitioner, the petitioner had stated that the said Vijay had told him that he would get the weapon sold for good amount of money and he was not aware that the said Vijay will misuse the said weapon and commit the alleged offence. It is further contended that the petitioner had earlier filed regular bail application which was withdrawn at that stage on 20.05.2022 and subsequent to the same, 7 witnesses including the complainant have already been examined. It is argued that even the complainant has not stated that the present petitioner was present at the spot or caused any injury. It is further argued that the petitioner is not involved in any other case.

On the other hand, learned State counsel has opposed the present petition for grant of regular bail to the petitioner and has submitted that the petitioner had given countrymade pistol to Vijay and the said Vijay had used the said countrymade pistol and had shot Muskan who was his wife and had, as per the prosecution case, refused to accompany him.

This Court has heard learned counsel for the parties and has perused the paper book.

In the present case, the petitioner is in custody since 31.03.2022 and out of 18 prosecution witnesses, 9 prosecution witnesses have been examined and thus, the conclusion of the trial is likely to take time. The petitioner is stated to be not involved in any other case. As per the case of the prosecution, the petitioner was neither present at the spot nor has been attributed any injury and the only role attributed to the petitioner is that he had sold the countrymade pistol which belongs to his father to Vijay and it is the said Vijay who had fired at Muskan as Muskan, to whom he was married to, had refused to accompany him. It is the case of the petitioner that Vijay had told him that

he would be able to arrange handsome money for sale of his countrymade pistol which belonged to the father of the petitioner and the petitioner was not aware that the said weapon will be used by Vijay in committing the present crime. The earlier regular bail application filed by the petitioner was withdrawn at that stage on 20.05.2022 and subsequent to the same, seven witnesses including the complainant have already been examined. The complainant has not stated that the present petitioner was present at the spot or had caused any injury to the deceased.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

10.11.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No