

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43857-2021 (O&M)
Date of decision: 11.03.2022

Sanjay

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.S. Gill, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.286 dated 20.06.2020 under Sections 148, 149, 307, 323, 506 IPC and Section 25 of Arms Act (Sections 120-B & 201 IPC were added later on), registered at Police Station Sonipat Sadar, District Sonipat.

Learned counsel for the petitioner relies upon the order dated 30.09.2021 passed in CRM-M-42730-2020, vide which co-accused Rohit @ Joni was granted the concession of regular bail. The operative part of the order reads as under: -

“...Learned counsel for the petitioner contends that the petitioner was unarmed and has been attributed fist and kick blows on the

injured. He also contends that the injured has fully recovered from the injuries. He further contends that the complainant, injured and other eyewitness, who were examined as PW1 to PW3, have not supported the prosecution case qua the involvement of the petitioner. He is in custody for over a year since his arrest on 13.08.2020.

Learned State counsel, upon instructions from SI Dharambir, contends that four out of twenty-four witnesses have been examined by the prosecution. She is not in a position to controvert the contention of learned counsel for the petitioner that PW1 to PW3 have not supported the prosecution case qua the involvement of the petitioner. She further contends that the petitioner is also involved in several other cases.

Heard.

In view of the submissions of learned counsel for the petitioner, especially when the petitioner was unarmed, he is in custody for over a year, Covid-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned...”

Learned counsel has referred to statement of PW1 Kuldeep, who

has stated that some unknown person has fired shot upon victim Yogesh and he was not present at the spot. PW2 Yatender has also stated that some unknown persons have fired shot on his brother and he was not present at the spot. Even injured Yogesh, who appeared as PW3, has made similar statement that he could not see the faces of accused persons. All these witnesses were declared hostile and they were cross-examined by the Public Prosecutor. Even in cross-examination, they have denied having made any statement to the police in this regard.

Learned State counsel, on the basis of custody certificate dated 10.03.2022 filed in the Court today, has not disputed the factual position. As per custody certificate, the petitioner is in custody for the last more than 01 year, 08 months and 10 days and is involved in some other cases, though he is on bail.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid facts and circumstances of the case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

11.03.2022
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No