

218

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

CRM-M-39769-2022

Date of decision : 19.12.2022

Jakir

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vimal Kumar Gupta, Advocate for the petitioner.

Mr. Vishal Malik, DAG, Haryana.

Mr. Abhilaksh Grover, Advocate for the complainant.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of regular bail to the petitioner in FIR No.78 dated 28.02.2022 registered under Sections 148/149/323/452/285/427/506/307 of Indian Penal Code, 1860 and Sections 25/54 of the Arms Act, 1959 at Police Station Punhana, District Nuh (Mewat).

Learned counsel for the petitioner has submitted that the petitioner is in custody since 02.06.2022 and investigation is complete and challan has been presented and there are 53 prosecution witnesses,

out of which, none have been examined as yet and thus, the conclusion of trial is likely to take time. It is further submitted that no specific injury has been attributed to the present petitioner. Reference has also been made to para 8 of the status report filed by way of an affidavit of Shamsher Singh, HPS, Deputy Superintendent of Police, Punhana (at running page 55 of the paper book) on behalf of respondent-State of Haryana, in order to show that although, specific injuries have been attributed to co-accused but no specific injury has been attributed to the present petitioner. It is contended that Irshad had suffered three injuries which have been declared dangerous to life and the said injuries have been specifically attributed to co-accused Abid and Liyakat. It is further contended that in the present case, a wide net has been cast inasmuch as 41 persons have been named in the FIR in addition to 10-15 unknown persons. It is argued that the petitioner is not involved in any other case.

On the other hand, learned State Counsel and learned counsel for the complainant have opposed the present petition for grant of regular bail to the petitioner and have submitted that in the present case, 30 persons have been injured and injured-Irshad had suffered seven injuries, out of which, three injuries were declared dangerous to life. It is further submitted that recovery of pistol and one live cartridge has been effected from the present petitioner. It is contended that as per the disclosure statement made by the petitioner, he admitted that he had also fired. It is further contended that out of 41 persons, 31 persons have been declared as innocent and 10 persons have been arrayed as accused persons and out

of those 10 accused persons, only two have been arrested and the other eight are yet to be arrested.

Learned counsel for the petitioner, in rebuttal, has submitted that out of 30 persons who are stated to have been injured, 25 persons had been discharged on the same day itself.

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

Keeping in view the abovesaid facts and circumstances, more so, the fact that the petitioner is in custody since 02.06.2022 and the investigation is complete and challan has been presented and out of 53 prosecution witnesses, none have been examined as yet and thus, the conclusion of trial is likely to take time and also the fact that there is no specific injury attributed to the present petitioner and even as per para 8 of the status report filed by way of an affidavit of HPS, Deputy Superintendent of Police, Punhana, the specific injuries have been attributed to the other co-accused persons but not to the present petitioner, and the injuries caused to Irshad which have been declared to be dangerous to life, have been attributed to co-accused Abid and Liyakat and not to the present petitioner, 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.

19.12.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No