

230

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39715-2022 (O&M)
Decided on: 16.11.2022

Sahil

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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

Mr. Naveen S. Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

Status report by way of affidavit of Deputy Superintendent of Police, Radaur (Yamuna Nagar) has been filed on behalf of the respondent/State, which is taken on record.

Copy of the same has been supplied to the learned counsel for the petitioner.

The present is a second petition filed under Section 439 of Code of Criminal Procedure for seeking grant of regular bail in case FIR No.123 dated 30.05.2021, under Sections 148, 149, 323, 307, 506, 120-B, 201 IPC and Section 25 of the Arms Act, 1959, registered at Police Station Farakpur, District Yamuna Nagar.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody from 1 year and 6 months and the investigation of the case has been completed and challan has also been presented before the

competent Court and thereafter, the matter is fixed for prosecution evidence. He further submitted that it is a case where the petitioner has been falsely implicated and the petitioner is not a habitual offender and is not involved in any other case and it was only on the basis of some suspicion and the disclosure statement of the co-accused that his name has been nominated. He also submitted that as per the contents of the FIR, it was registered on the basis of the complaint made by one Rohit that he had received a phone call from one Sachin Pandit that one of the co-accused, namely, Vipin Mehant was abusing him and calling him to Ladwa and when the aforesaid Sachin Pandit went there then some friends of Sachin Pandit, were also standing there and after some time, some persons came on vehicle and the co-accused Vipin Mehant raised a *lalkara* by saying that Sachin Pandit will be killed because he has interfered in his work and thereafter, the aforesaid Vipin Mehant with an intention to kill him fired a shot at him which hit his chest and crossed his body. He further submitted that the name of the petitioner does not figure in the FIR and on the basis of the suspicion, his name has been nominated. He also submitted that as per the affidavit filed by the State today itself, it has been so stated that the place of the incident was not within the coverage of the CCTV footage but it was on another place which was not the place of occurrence that the CCTV footage was obtained. He further submitted that one of the similarly situated co-accused, namely, Vivek Sharma has filed anticipatory bail before this Court in CRM-M-40228-2021, which has since been allowed by this Court on 31.03.2022. Apart from the above, four of the other similarly situated co-accused, who were also nominated on the basis of the disclosure statement, namely, Ankit, Supreet, Shubham and Harpreet have

also been extended the benefit of regular bail by the learned trial Court and the present petitioner is at parity with the aforesaid all the co-accused.

On the other hand, Mr. Naveen S. Panwar, learned DAG, Haryana, has submitted that it is correct that the petitioner has faced incarceration for 1 year and 6 months and the case is now fixed for prosecution evidence before the learned trial Court. He further submitted that it is also correct that the petitioner is not a habitual offender and he is not involved in any other case. He also submitted that although the place of occurrence was not captured in any CCTV footage but on another adjacent place, the footage of CCTV camera was retrieved from it was found that number of boys with muffled faces were there including the petitioner. He further submitted that he has sought instructions from S.I. Charanjit Singh to state that the petitioner was also present. However, on a query being raised to the learned State counsel as to whether he was having any weapon or not, he submitted that as per the CCTV footage, there was no weapon in the hands of the petitioner. He further submitted that it appears that the petitioner is at parity with the co-accused as stated by the learned counsel for the petitioner.

I have heard the learned counsel for the parties.

The petitioner has faced incarceration for 1 year and 6 months and he is not a habitual offender and is not involved in any other case. The trial is at the stage of prosecution evidence. The other co-accused as stated by learned counsel for the petitioner, who are stated to be at parity with the present petitioner, have been granted the benefit of regular bail. The name of the petitioner surfaced on the basis of disclosure statement made by the co-accused. The trial of the case may take long time. Furthermore, it is not the

case of the State that in case the petitioner is released on bail then he may abscond or flee from justice or may influence any witness or may tamper with the evidence. Therefore, considering the aforesaid facts and circumstances, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed. The petitioner shall be released on bail subject to the appropriate terms and conditions to the satisfaction of the trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

16.11.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

- | | |
|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |