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

CRM-M-41813-2022

Date of decision : 16.09.2022

Sunil

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Randeep S. Dhull, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Baljeet Beniwal, 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.9 dated 09.01.2022 registered under Sections 148, 149, 323, 307, 506 of the Indian Penal Code, 1860 (Sections 120-B and 212 of IPC have been added later on) and Sections 25 and 27 of the Arms Act, 1959 at Police Station Titram, District Kaithal.

Learned counsel for the petitioner has submitted that the present case is a case of version and cross-version and the cross-version in the present case i.e. FIR No.10 dated 09.01.2022 was registered under Sections 307, 323, 506 of IPC and Sections 25 and 27 of the Arms Act on the statement of Parveen Kumar. It is further submitted that although, the

petitioner was named in the FIR but only allegation against the petitioner is that he had raised lalkara and no specific injury has been attributed to him as per the FIR. It is contended that even as per disclosure statement of the accused-Kuldeep Singh (Annexure P-5), only attribution against the petitioner is that he alongwith Mandeep and Surender had inflicted injuries with legs and punches. It is further contended that the petitioner is in custody since 17.04.2022 and there are 31 prosecution witnesses, out of which, none have been examined as yet and, thus, the conclusion of trial is likely to take time. It is argued that no recovery of any weapon has been effected from the present petitioner.

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 present petitioner had also participated in the occurrence in which, Gurmeet and Pradeep have suffered 3 and 4 gunshot injuries respectively. It is further submitted that in the cross-version recorded on the statement of Parveen Kumar, Section 326 of IPC has been added and Section 307 of IPC has been deleted.

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

In the present case, the petitioner is in custody since 17.04.2022, investigation is complete and challan has been presented and there are 31 prosecution witnesses, out of which, none have been examined as yet and since, charges have not been framed, thus, the conclusion of trial is likely to take time. Although, the petitioner was named in the FIR but only attribution against the petitioner is that he had raised lalkara and even,

as per the disclosure statement of the co-accused-Kuldeep Singh (Annexure P-5), the petitioner alongwith Mandeep and Surender had inflicted injuries with legs and punches and no specific injuries have been attributed to the petitioner. No weapon has been recovered from the present petitioner. The present case is a case of version and cross-version and it would be finally adjudicated during the course of trial as to which was the aggressor party in the present case.

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.

16.09.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**