

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

211

**CRM-M-390-2022
Date of decision: 03.08.2022**

AMAN

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Priyanshu Kamra, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, Asstt. A.G. Haryana.

VINOD S. BHARDWAJ. J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.230 dated 06.04.2021 registered under Section 307, 120-B, 34 of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC') and Section 25 of the Arms Act, 1959 at Police Station City Hansi, District Hisar.

2. The aforesaid FIR which was registered on the statement of complainant Joginder son of Jagdish, resident of Prem Nagar, Hansi is to the effect that his uncle Chandanpuri son of Bihari Lal, resident of Prem Nagar, Hansi was living in Samadha Mandir with Mahant Budhpuri for the last twenty years and he became Mahant. About ten years ago, prior to death of earlier Mahant Budhpuri, he handed over all the work of the Dera to his uncle Chandanpuri. About five years ago,

Panchampuri, who was religious brother of Chandanpuri, had occupied the chair of Dera and removed his uncle from the Dera. Thereafter, his uncle Chandanpuri filed a civil suit at Hansi Court regarding his entitlement over the chair of the Dera. On 25.03.2021, the office bearers of Jumma Akhara deposed in the court in favour of Chandanpuri. Complainant further averred that on 06.04.2021 he had received an information that at about 4:00 P.M Mahant Chandanpuri stopped his vehicle near Ghodela Tea Stall and was in a process to take water from the shop. In the meantime, Mahant Panchampuri came there in a white colour vehicle and two young boys, who had muffled their faces, also came there on a motor cycle. The boy, who was pillion rider on the motor cycle, fired a gun shot in the stomach of Chandanpuri and after that both the said boys along with Mahant Panchampuri fled away from the spot. Complainant averred that the above incident was revealed to him by Mahant Chandanpuri in Agroha Medical Hospital.

3. Learned counsel appearing on behalf of the petitioner contends that the petitioner has suffered in actual custody for the period of 01 year 03 months and 20 days, even though allegation against the petitioner is that he was driving a motorcycle when the pillion rider i.e. co-accused Sandeep @ Jeeta fired a shot upon the victim. The injury attracting Section 307 IPC is as a result of such gun fire shot. He further points out that the recovery of pistol along with live cartridges as well as the motorcycle in question has already been effected from the co-accused and that no prosecution witness has been examined so far.

4. Learned counsel appearing on behalf of the respondent-State submits that the petitioner was accompanying the assailant when

an attempt to murder the victim was carried out and the gun shot was fired. He, however, does not controvert the submission that the gun fire injuries are attributed to the co-accused Sandeep @ Jeeta and that recovery of the Arms, live ammunition as well as the motorcycle claimed to have been used in the commission of the offence has been effected from the said co-accused. It is also not disputed that out of 33 witnesses cited by the prosecution, no witness has been examined so far. Besides, there are no criminal antecedents of the petitioner.

5. I have heard learned counsel appearing on behalf of the respective parties and have gone through the record with their assistance.

6. Without examining the merits of the instant case and taking into consideration the circumstances noticed above, the period of custody, the attribution against the petitioner as well as the stage of the trial, I deem it appropriate to enlarge the petitioner on bail to the satisfaction of the trial Court.

7. The instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

8. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

9. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

The petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

AUGUST 03, 2022
vishal sharma

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*