

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-58510-2022 (O&M)
Date of Decision:-20.12.2022

Sandeep @ Bhanga

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Chanderhas Yadav, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.360 dated 28.10.2020, Police Station Beri, District Jhajjar, under Sections 148/149/323/307/506/120-B of Indian Penal Code and Section 25/54/59 of the Arms Act.
2. The FIR was lodged at the instance of Devender Singh, wherein it has been alleged that on 27.10.2020, when he alongwith Sumit and Ashish was present at Safipur Stadium, Dinesh fired a shot from his pistol, which hit Ashish in his abdomen and Manish @ Pusiya also fired a shot from his pistol, which hit Sumit in his abdomen, with an intention to kill them. When the complainant tried to intervene, then the said two as well as other boys accompanying them, namely, Umesh @ Pistol, Sandeep (petitioner) as well

and 3/4 others threatened to kill him as well and gave fist and kick blows to Ashish and Sumit.

3. Learned counsel for the petitioner has submitted that although the petitioner is named in the FIR, but even if the contents of the FIR are taken to be correct, the petitioner admittedly was not carrying any fire arm or any other weapon and it is the co-accused Manish and Dinesh, who were carrying pistols and who had fired at two injured Ashish and Sumit hitting them in their abdomen. Learned counsel has further submitted that it is subsequently that the police has recorded the statements of the two injured under Section 161 Cr.P.C, wherein the petitioner has been attributed fist and kick blows.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and was accompanying the other two accused, who were carrying fire arms and had also inflicted injuries to the two injured, his complicity is clearly evident. Learned State counsel has also submitted that the petitioner stands involved in 3 more cases and apparently he is a seasoned criminal. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 1 year, 11 months and 23 days. It has also been informed that out of cited 34 PWs, none has been examined till date.
5. This Court has considered rival submissions.
6. The petitioner admittedly was unarmed and is attributed fist and kick blows, whereas it is the other two co-accused, namely, Manish and Dinesh who were armed with pistols and are attributed injuries to the injured with firm arm. In any case, the petitioner has been behind bars for the last about 1 year, 11

months and 23 days. Conclusion of trial will take time inasmuch as none out of cited 34 PWs has been examined so far. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

20.12.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No