

2023:PHHC:037780

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 205

CRM-M-5274-2023
Date of decision : 10.03.2023

Sagar

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.S.D.Bishnoi, Advocate, for the petitioner.
 Mr.Rajiv Sidhu, DAG, Haryana.

DEEPAK SIBAL, J. (ORAL)

Through the present petition filed under Section 439 Cr.P.C. the petitioner seeks regular bail in FIR No.169 dated 02.08.2022 registered under Section 25 of the Arms Act, 1959 and Sections 307, 120-B and 34 IPC at Police Station Dujana, District Jhajjar.

The petitioner is being prosecuted for being part of the conspiracy, in pursuance whereof, co-accused Mandeep and Sandeep fired upon Navdeep with an attempt to murder him.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case only because he is allegedly known to the main accused; the petitioner does not have any other criminal antecedents; he is in custody since 07.08.2022; the investigation in the case is complete and therefore he is in no position to influence the same; there are no allegations against the petitioner of having fired upon the injured-Navdeep; his name has surfaced as an afterthought in a supplementary statement by the complainant-Jaivir; the name of the petitioner having later surfaced in the disclosure statements of co-accused has no evidentiary value as the same were allegedly made while the co-accused were in police custody and that the petitioner's trial, as and when begins, will take a long time to conclude.

Learned State counsel opposes grant of bail to the petitioner on the

ground that the petitioner was part of the conspiracy in pursuance whereof the injured-Navdeep was caused two gun shot injuries by co-accused Mandeep and Sandeep.

The evidentiary value of the alleged supplementary statement of the complainant and the disclosure statements of the co-accused shall be debated during the course of the petitioner's trial. However, the petitioner is in custody since 07.08.2022; he has no other criminal antecedents; the investigation in the case is complete and therefore he is in no position to influence the same; there are no allegations against the petitioner of having fired upon the injured-Navdeep and that the petitioner's trial, as and when begins, is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Jhajjar, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

It is further directed that while on bail the petitioner shall own and possess a smart mobile phone which shall be kept on at all times; the phone shall always be with the petitioner; he shall share the number of the phone as also his location with the SHO of the area where the petitioner normally resides; he shall mark his attendance on the 1st of each month in the concerned police station and that he shall also not leave the jurisdiction of the concerned police station without the prior permission of the SHO of such police station.

10.03.2023
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned
Whether reportable

:

Yes / No
Yes / No