

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

CRM-M-5684-2023

Date of Decision: February 27, 2023

Manish

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Mohit Rathee, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J.(Oral)

Petitioner is praying for regular bail in case FIR No.150, dated 06.06.2020, registered at Police Station Bhadurgarh, District Jhajjar, under Sections 449, 307, 302, 120-B/34 of IPC and Sections 25 & 27A of the Arms Act, 1959.

Allegations are that on 06.06.2020, 3-4 persons entered the house of complainant Manjeet @ Tittu and one of the boy fired gun shot with intention to kill him, hitting him on his left shoulder. On hearing the noise of the gun shot, mother of the complainant caught the assailants and raised hue and cry. The assailants fired two gun shots on the mother of the complainant. She fell on the ground and ultimately died. On the statement of Manjeet @ Tittu, FIR was registered. During investigation, petitioner Manish and other co-accused, namely Kunal, Vijayant and Saurab were arrested. Petitioner in his disclosure statement allegedly confessed to have fired at the complainant and his mother.

Learned counsel for the petitioner pointed out towards the statement of the complainant made on 27.05.2022 before the Trial Court (Annexure P-2), wherein he clearly stated that the petitioner had not fired upon the complainant or his mother and he was not the person, who had entered his house.

In the status report filed today in the form of affidavit of Shri Arvind Dahiya, Deputy Superintendent of Police, Jhajjar, District Jhajjar, it is conceded that the bullet, which was retrieved from the dead body, was found not to have been fired by the country-made pistol recovered from the petitioner, as per FSL report.

As per custody certificate placed on record by learned State counsel, petitioner has already undergone actual custody period of 1 year, 7 months and 7 days after deducting the period of conviction in other case.

Having regard to the aforesaid factual position, but without commenting anything upon the merits of the case, the petitioner is admitted to regular bail and he is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court concerned.

Allowed.

February 27, 2023
sarita

(DEEPAK GUPTA)
JUDGE

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