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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11306-2023

Date of decision : 13.03.2023

Vijayant

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Satbir Singh Kanwar, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this third petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.150 dated 06.06.2020 registered under Sections 449, 307, 302, 120-B and 34 Indian Penal Code, 1860 and Section 25 Arms Act, 1959 registered at Police Station Sadar Bahadurgarh, Jhajjar, who is in custody since his arrest on 13.09.2020.

The allegations in the FIR as noticed by the learned Additional Sessions Judge, District Jhajjar in the order dated 20.12.2022 are as under:-

“In brief, the prosecution case was that on 06.06.2020, at about 06:00/06:15 A.M., when the complainant was fast asleep on the terrace of his house, three-four persons entered the house and fired a gun-shot, at the complainant, which hit him on his left shoulder. The mother of the injured tried to save him but the unknown assailants fired gun-shots, at his mother, due to which, she died, at the spot. Thereafter, they all fled along-with, their weapons. The F.I.R. was registered. The accused Manish and Saurav, who were already, in judicial custody, in some cases were arrested, on the basis of their disclosure statements recorded in the present case, on 13.08.2020. Thereupon, the offence punishable under Section 120-B of the IPC was added in the F.I.R. of the present case. The pistol used while, commission of the offence in the present case, was

got recovered by the co-accused Manish, in other case, bearing F.I.R. no. 330 dated 17.07.2020 u/s 25 of the Arms Act. Then, co-accused Kunal was arrested in some other case, bearing F.I.R. no. 246 dated 12.08.2020 P.S. Murthal. Recovery of the pistol used while, commission of the offence in the present case was effected, already in the other case mentioned above. The co-accused Vijay was arrested, on 10.09.2020 who was also, in judicial custody in some case. The co-accused Bittu was arrested on 13.09.2020, who was in judicial custody, in some other case, on the basis of his disclosure statement. The recovery of the pistol used while, commission of the offence was effected from him, in FIR no. 395/2020 P.S. Sonapat. The co-accused Vijayant (i.e. the applicant) stated to be a resident of District Baghpat, U.P., at present Saktan Pana Bawana, Delhi was arrested on 13.09.2020, on the basis of his disclosure statement and recovery of car KUV 100 effected, at his instance and sent to judicial custody, later on.”

Learned counsel for the petitioner submits that as per the prosecution, three accused persons, namely, Kunal, Manish and Bittu entered the house of injured/complainant-Manjeet and committed the alleged crime and the allegations against the petitioner is that he was standing outside the house of the victim. He further submits that even the motive is attributed to Manish, who was holding a grudge against Manjeet and upon entering the house, gunshot injury was caused to Manjeet by the assailants and while leaving the place of occurrence, the accused also fired at Manjeet's mother, which resulted in her death. He has further pointed out that the material witness, Manjeet has already been examined, who has been declared as a hostile witness and the co-accused, namely, Manish has been released on bail vide order dated 27.02.2023 (Annexure P-2). He prays for bail.

Learned State counsel assisted by ASI Rajender, while opposing the prayer has stated that the material witness, namely, Manjeet has already been examined and as per prosecution, the petitioner was not one of those

assailants, who had entered the house of the victim. He further on instructions states that after framing of charges on 15.03.2022, only three prosecution witnesses have been examined out of total 49 witnesses.

After hearing learned counsel for the parties, considering the above background, the custody of the petitioner and the fact that the material witnesses have been examined, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest on 13.09.2020.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

13.03.2023
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No