

Date of Decision: 13.07.2023

...Petitioner

VS.

...Respondent

the car in front of his car, they hit his car from the front side. All the three boys, who were riding the bullet, fired shots at him with an intention to kill him. The complainant alighted from the car and at that time, Anil Taneja, Sanjay Yadav, Pritam Saini and three other persons, who were in Esteem car, indiscriminately fired shots on him. His friend Rajesh son of Sohan Lal came at the spot on hearing the alarm by him and after arranging the conveyance, he was shifted to CMC Hospital, Hisar. With these broad allegations, the FIR in the present case was registered against three named accused and certain other unknown persons.

Learned counsel for the petitioner contends that the petitioner was not named in the present case and he was named by the co-accused in his disclosure statement. He further contends that the complainant had named three persons, namely, Anil Taneja, Sanjay Yadav and Pritam Saini, against whom specific allegations were levelled and all of them have been found innocent during the course of investigation. This fact alone raises serious question marks about the veracity of the allegations levelled by the complainant in the present case. Learned counsel for the petitioner further contends that the petitioner is behind bars since 07.03.2020 and out of 38 witnesses, only 02 witnesses have been examined by the learned trial Court. Thus, the conclusion of the trial will take quite a long time.

On the other hand, learned State counsel, assisted by SI Hanuman Singh and the learned counsel for the complainant have vehemently opposed the grant of concession of bail to the petitioner on the ground that five more cases have been registered against the present petitioner. Even in the present

case, in pursuance to the disclosure statement suffered by the present petitioner, one of .315 bore and other .32 bore pistols and four live cartridges were recovered from the petitioner. Even as per the FSL report, the weapon of offence, recovered from the present petitioner, were found used in the commission of crime and his involvement in the present crime stood established with the presentation of the FSL report. However, they are not in a position to controvert the above referred factual averments made by learned counsel appearing on behalf of the petitioner. Still further, it is not in dispute that out of total 5 cases, the petitioner is acquitted in two cases, whereas in other two cases, he is on bail.

I have heard learned counsel for the parties and perused the record with their able assistance.

It is not in dispute that the petitioner is in custody since 07.03.2020 i.e. for almost 3 years and 04 months. Only two witnesses, out of total 38 witnesses have been examined and the conclusion of the trial will take quite a long time. Even he was not initially named in the FIR and the three named accused have been found to be innocent during the course of investigation.

Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

However, it is ordered that the petitioner shall appear before the SHO, Police Station Urban Estate Hisar, District Hisar on the first Monday of every month, during the pendency of the trial and his presence shall be marked by the concerned SHO in the roznamacha of the police station. In case, the

petitioner involves in any other criminal activity, it shall be viewed seriously and the prosecution will be at liberty to move a petition for cancellation of bail granted to the present petitioner.

Disposed off.

13.07.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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