

CRM-M-14042-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.240

Case No. : CRM-M-14042-2023

Date of Decision : June 02, 2023

Sahil @ Kaliya

.... Petitioner

vs.

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

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Present : Mr. Satyawan Singh Nain, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

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GURBIR SINGH, J. :

1. Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.38 dated 12.02.2022, under Sections 307, 195-A, 120-B, 34 IPC, 1860 and Sections 25-54-59 of the Arms Act, 1959, registered at Police Station City Dadri, District Charkhi Dadri.

2. The case in question was registered at the instance of one Ravi, who made statement that Ajay, Aman and Bobby @ Kaliya had murdered his brother Vikash in the year 2021. FIR No.112/2021 was registered in Police Station City Dadri and above-mentioned persons were arrested in the said case. The testimony of the complainant was to be recorded on 24.02.2022. Accused Ajay, Aman and Bobby @ Kaliya were threatening him to effect compromise with them or they would kill him. On 11.02.2022 at about 10:00 PM, when the complainant was roaming at the terrace of his

house after taking dinner, he heard some noise of abuses and knocking at the door. On checking, he saw that Satish and Kaliya were standing outside his house. They asked him to come out or they would kill him. Satish opened fire at him with intention to kill him but the shot did not hit him. Then Kaliya also fired. They threatened to kill him and then ran away from the spot on the motorcycle of their accomplice Dinesh.

3. Learned counsel for the petitioner submits that the petitioner is innocent. He has been falsely involved in this case. Nothing was recovered from him. False recovery has been planted upon him. He further states that co-accused namely Dinesh, Aman, Iqbal, Hajar Deen @ Mulli and Shahid @ Lala have already been granted concession of regular bail by the learned Trial Court. Charge is yet to be framed.

4. Status Report on behalf of respondent-State has already been placed on record. Learned State counsel, while referring to the Status Report, has opposed the bail petition. He has submitted that during investigation, the petitioner suffered confessional statement and got recovered one country-made pistol, one empty cartridge and two mobile phones used in the crime. Facebook chats between accused Satish @ Kachua and Sachin @ Rohat were also obtained and taken into possession. The petitioner was specifically named in the confessional statement of co-accused. It has further been apprised to this Court that the petitioner is involved in two other cases i.e. one under the Arms Act and the other one is under SC/ST Act.

5. Heard.

6. The petitioner is in custody since 14.02.2022. Trial of the case

has not yet started. It is the case of no injury. Culpability of the petitioner shall be decided during trial of the case.

7. In view of the aforesaid facts and circumstances of the case, since completion of trial will take a long time, no useful purpose would be served by keeping the petitioner behind bars for a long time.

8. Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate concerned.

9. However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

10. Pending applications, if any, shall stand disposed of along with the present petition.

June 02, 2023
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.