

(209)

2023:PHHC:043799

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

CRM-M-14330 of 2023

Date of Decision: March 24, 2023

Saurabh @ Sourav ...Petitioner
Versus
State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

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

DEEPAK GUPTA, J.(Oral)

Petitioner pray for grant of regular bail in case FIR No.150 dated 06.06.2020 registered under Sections 449, 307, 302, 102-B, 34 IPC and Section 25 of Arms Act, 1959 at Police Station, Sadar Bahadurgarh, Jhajjar.

Allegations are that on 06.06.2020, 3-4 persons entered the house of the 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 Saurabh @ Sourav and other co-accused Manish, Kunal and Vijayant were arrested. Co-accused Manish in his disclosure statement confessed to have fired at the complainant and his mother.

It is contended by learned counsel for the petitioner that the

petitioner has been implicated with the aid of Section 120-B IPC as no injury is attributed to him. It is further pointed out that complainant Manjeet alias Tittu has not supported the prosecution case. Attention is drawn towards statement Annexure P.2 made by Manjeet alias Tittu during trial before the trial Court on 27.05.2022 wherein he clearly stated that petitioner, Vijyant, Kunal and Manish had not fired shot upon the complainant or his mother.

Apart from above, learned counsel also placed on record copy of order dated 27.02.2023 passed by this Court in CRM-M-5684 of 2023 whereby co-accused Manish who had allegedly fired upon the mother of the complainant, was allowed bail after noticing all the aforesaid circumstances.

Notice of motion.

Mr. Parveen Kumar Aggarwal, DAG, Haryana, accepts notice on behalf of the State. Although status report is not filed but it is submitted that the petitioner is in custody since 13.08.2020. It is also submitted that gun was recovered from the possession of the petitioner. However, it is conceded that case of the petitioner is not different from the co-accused Manish, who was allowed bail by this Court on 27.02.2023.

Having regard to the fact that the complainant eye witness, namely, Manjeet alias Tittu has not supported the prosecution case and the fact that co-accused Manish has already been allowed bail and that case of the petitioner is on better footing because injury by gun shot causing death was attributed to Manish but without commenting anything

further on the merits of the case, petition is allowed. The petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Chief Judicial Magistrate/ Duty Magistrate concerned.

March 24, 2023

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(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No