

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-20501 of 2022 (O&M)

Date of decision: 11th January, 2023

Rahul @ Rahul Sharma

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Lakhwinder Singh, Advocate for the petitioner.
Mr. Sharad Aggarwal, AAG, Haryana.

AVNEESH JHINGAN, J (Oral):

This is second petition seeking regular bail in FIR No. 132 dated 23.4.2020, under Sections 323, 341, 506, 307, 120-B and 34 IPC and Section 25 of the Arms Act, 1959, registered at Police Station Bhuna, District Fatehabad.

The earlier petition was dismissed as withdrawn on 22.9.2021.

The facts in brief are that the FIR was registered at the instance of Vikram. It was alleged that on 22.4.2020, he was attacked by four persons riding two motor cycles. He was indiscriminately fired at and sustained injuries near left shoulder and on the right leg. As per the case of the prosecution, co-accused Amit fired the shot. The role attributed to the petitioner is that he conspired with Rakesh Kumar @ Mukhi (who was lodged in Jail in FIR No. 147 dated 3.8.2016, under Sections 307 and 34 IPC and Sections 25 and 27 of the Arms Act registered at Police Station Bhuna) against the complainant as he was instrumental in giving evidence in the said FIR.

Learned counsel for the petitioner submits that the petitioner is

in custody since 3.5.2020, no recovery was made from him or at his instance, no injury is attributed to the petitioner and his name surfaced in a disclosure statement. He further relies upon the fact that the main accused- Amit was acquitted by Juvenile Justice Board, Fatehabad on 18.7.2022.

Learned counsel for the State opposes the prayer for grant of bail. He submits that the petitioner has been convicted in another FIR under Section 307 IPC. He on instructions is not disputing the fact that no injury is attributed to the petitioner in the present FIR and no recovery was made from him.

Without commenting on the merits of the case, having conspectus of the facts and considering the nature of allegations against the petitioner and the fact that no recovery is to be made from him, though the investigation is complete, conclusion of trial is likely to take time, his name surfaced in disclosure statement and involvement of the petitioner in another FIR in itself would not be a ground to deprive his personal liberty, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

11th January, 2023

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[AVNEESH JHINGAN]
JUDGE

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No