

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-20700-2023 (O&M)

Date of Decision: 1.6.2023

Aman

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Sanawar Ali, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana

KARAMJIT SINGH, J.(Oral)

CRM-24352-2023

Allowed as prayed for.

CRM-24354-2023

Notice of the application.

Mr. Vishal Kashyap, DAG, Haryana accepts notice on behalf of
the State and pleads no objection if the same is allowed.

Accordingly, the application is allowed and the main case is
taken on board today itself.

Main case

Prayer in the present petition under Section 439 of Code of
Criminal Procedure is for grant of regular bail to the petitioner in case FIR
No.475 dated 29.11.2022 registered for the offences punishable under
Sections 307, 506, 34 IPC and Section 25 of Arms Act at Police Station
Matlauda, District Panipat.

2. As per allegations recorded in the FIR, on 29.11.2022, complainant-Ajit and his wife Seema were attacked by co-accused Kuldeep @ Gandhi and Wazir and both of them fired shots at the complainant and his wife and both of them sustained injuries. There are also allegations that in the meantime, one another boy also reached there and gave kick and fist blows to the complainant and his wife and during investigation, it was found that the said boy was present petitioner.

3. Counsel for the petitioner *inter alia* contends that the petitioner was not named in the FIR and that even otherwise, only allegations against the petitioner are that he gave kick and fist blows to the complainant and his wife Seema at the time of the alleged occurrence. He further submits that the petitioner is aged about 18-19 years and is a student and is in custody since 13.12.2022 and no incriminating article was recovered at the instance of the petitioner during investigation. He further submits that it will take considerable time for the trial to conclude as till date, charges are not framed. So, prayer is made that the petitioner be released on bail.

4. Present petition is resisted by the State counsel who on instructions from SI Inder Kumar submits that the petitioner actively participated in the occurrence along with Kuldeep @ Gandhi and Wazir and he gave kick and fist blows to the complainant and his wife while Kuldeep @ Gandhi and Wazir caused fire arm injuries to them. However, the State counsel has not disputed the fact that the petitioner was not specifically named in the FIR and was arrested on 13.12.2022 and during investigation, no firearm or weapon was recovered at his instance. State counsel also apprised the Court that indeed, the police has presented the challan but charges are yet to be framed against the accused persons including the

petitioner. State counsel further apprised the Court that the petitioner is a young boy aged about 18-19 years.

5. I have considered the submissions made by the counsel for the parties.

6. Admittedly, the petitioner was not named in the FIR and even otherwise, firearm injuries is attributed to the petitioner and only kick and fist blows are attributed to him. The petitioner is in custody since 13.12.2022 and during investigation, no objectionable article was recovered at the instance of the petitioner. Further, the trial is yet to commence after framing of charges. In the given circumstances, no purpose is going to be served by prolonging the judicial custody of the petitioner.

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

(KARAMJIT SINGH)
JUDGE

June 1, 2023
Paritosh Kumar

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