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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(219) CRM-M-22040-2023
Date of decision:- 05.07.2023

Nikhil @ Bhandu ... Petitioner
Versus
State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vivek K. Thakur, Advocate
for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana
for State-respondent.

SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Section 439 Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
287	21.09.2022	Dadri Sadar, District Charkhi Dadri	307 and 120-B, IPC and Section 25 of the Arms Act, 1959

2. Version of the prosecution is that FIR, Annexure P-2, has been registered on the complaint of Amarjit on the allegation that his friend, Ravi, had enmity with Deepak and an altercation had taken place between them. It has been alleged that Deepak, Vineet and their friends were on a look out to take revenge from them. In the night intervening 20/21.09.2022 at about 02:30 A.M., when he heard noises and abuses, he came out in the

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courtyard of his house to confront the intruders, a boy pointed a pistol and fired at him. The assailants fled on a motorcycle. After checking CCTV camera footage, he identified Nikhil, present petitioner, who had used the weapon.

3. Counsel for the petitioner submits that although the petitioner has been named in the FIR and it has been alleged that he had fired the shot, but as per the status report, which has been filed by the State during the course of hearing and has been taken on record, the fire arm is alleged to have been used by co-accused, Amit. Counsel submits that the petitioner is a young boy of nineteen years of age, who has a brilliant academic record and has a bright future, has been falsely implicated due to previous rivalry. He submits that the petitioner is in custody since 22.09.2022, challan has been presented and the trial is likely to take time to conclude as some of the co-accused are yet to be arrested.

4. Opposing the petition, State counsel submits that there are serious allegations against the petitioner, though he could not deny the fact that it is a case of “no injury”. By referring to the status report, he submits that the petitioner has criminal antecedents and does not deserve to be released on bail. As per his instructions, challan has been presented on 18.11.2022, but charge has not been framed.

5. Having heard counsel for the parties and considering their respective submissions, this Court is inclined to accept the prayer made in the petition. The role ascribed to the petitioner would be a matter of adjudication before the Trial Court. Petitioner, who is in custody for the last nine months, deserves to be enlarged on bail as the trial is yet to start.

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6. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.

7. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

05.07.2023
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No