

CRM-M No.23052 of 2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M No.23052 of 2023
Date of decision : 05.12.2023

Raj Kumar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present :- Mr. Mukesh Mehra, Advocate for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

1 Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.0129, dated 29.10.2020, under Sections 307, 109, 120-B and Section 34 IPC and 25 of Arms Act, at Police Station Bapoli, District Panipat.

2 As per contents of the FIR, it has been alleged as under:-

“It is requested that I am Sandeep s/o Sh. Keshavanand resident 1552 N.H.B.C. Panipat. My sister Ranjana got married with Raj Kumar ss/o Madan Lal r/o Bapoli about 15 years ago. My sister and her husband are having estranged relations and a court case is also pending between them. She has been residing alone in a room at her in laws house after a court order. Today morning at about 7.30 AM, my sister called me on my phone and told me that two boys have shot her and they told Ranjana that Raj Kumar has sent them to shot her. They have shot her two bullets. She told me that she is coming to Panipat by an auto. She met me at Sabzi Mandi Shiv Chowk. I took her to Government Hospital, where Doctors told it is an emergency, her life is in danger. Then I took her to Prem Hospital, Legal action may be taken against those boys and Raj Kumar son of Madan Lal.”

3 Learned counsel for the petitioner submits that the victim was shot

by two persons. Admittedly, petitioner was not one of them. It is being claimed by the complainant that the boys were hired by the present petitioner-who happened to be husband of Ranjana (complainant's sister). He submits that the parties were already in the thick of litigation as the petitioner was facing proceedings under Section 125 Cr. P.C. initiated at the behest of the complainant and thus false implication cannot be ruled out. Apart from this, he submits that the petitioner is behind bars for last more than three years. The trial has also proceeded as three witnesses already stands examined.

4 Without commenting on merits of the case and keeping in view the incarceration already suffered by the petitioner and the fact that trial is not likely to conclude in the near future as prosecution has already taken more than three years to examine all the witnesses, present petition is *allowed* and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

5 Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

December 05, 2023

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**(PANKAJ JAIN)
JUDGE**

Whether speaking/reasoned: Yes
Whether Reportable : No