

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24232-2023
Date of Decision: 13.07.2023.

VIKRAM @ VICKY PETITIONER
VS
STATE OF HARYANA ... RESPONDENT

CORAM:HON'BLE MR. JUSTICE GURBIR SINGH

Present : Mr. D.S.Virk, Advocate for the petitioner.
Ms. Nidhi Garg, AAG, Haryana.

GURBIR SINGH, J. (ORAL)

1. The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No. 378 dated 18.07.2022 under Sections 148,149,307,341 & 506 IPC registered at Police Station Kaithal City, District Kaithal.
2. The case in question was registered on the statement of Deepak-complainant. As per allegations, on 17.07.2022 the complainant along with Satish and Ravinder were going for some personal work. At about 9.30 P.M when they reached near Khurana Bye Pass Chowk, a swift car and many boys came on scooty and restrained them by stopping their vehicle in front of their car. The petitioner-Vikram came down and started abusing while other boys encircled their car and accused-Sunny, who was armed with a pistol, fired at him, the bullet hit at his waist and they also damaged their car.
3. Learned counsel for the petitioner submits that as per medical legal report (Annexure P-2), there is only one firearm injury and the same is attributed to Sunny not to the petitioner. The only allegation is that he stopped the complainant and abused him. He further submitted that challan has already

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been presented and charges have already been framed. There are total 31 witnesses in this case and upto now only one witness namely Deepak-complainant has been examined as PW-1. He has placed on file a copy of the statement of Deepak. He did not support the version of the prosecution and he was declared hostile.

4. Status Report by way of an affidavit of Lalit Kumar, HPS, Deputy Superintendent of Police, (AEC) Kaithal on behalf of respondents No.1-State has already been filed and the same is taken on record. Learned State counsel has opposed the prayer made by the learned counsel for the petitioner. She submits that the petitioner was a member of unlawful assembly. The entire crime had taken place in pursuance of the common object of the unlawful assembly. As per custody certificate, the petitioner is involved in two other cases, one is under Section 138 Negotiable Instruments Act and second is under Section 25 of the Arms Act. The petitioner is not entitled for bail.

5. Heard.

6. The allegations against the petitioner are that he and other accused stopped the complainant and petitioner abused the complainant. No injury has been attributed to the petitioner. As per the custody certificate dated 12.07.2022, the actual custody period in this case is 07 months 02 days although he is in custody for the last 11 months 16 days. The petitioner is also involved in two other cases; out of which, he is convicted in case under Section 138 Negotiable Instruments Act and is on bail in another case filed under Section 25 of the Arms Act.

7. Keeping in view the fact that there is no injury attributed to the petitioner, the completion of trial will also take a long time, no useful purpose

8. Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate, concerned.

9. However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

(GURBIR SINGH)
JUDGE

13.07.2023
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>