

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

230

CRM-M-29992-2023
Date of Decision.:20.07.2023

PawanPetitioner
Vs.
State of HaryanaRespondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Kartar Singh Malik-I, Advocate
for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of this petition under Section 439 Cr.P.C in case FIR No.55 dated 08.03.2023 registered under Sections 148, 149, 307, 506 of the IPC, 1860 and Sections 25, 54, 59 of Arms Act, 1959 registered at Police Station Bahu Akbarpur, District Rohtak.

2. As per the allegations, on the intervening night of 07/08.06.2023, 20-25 persons came to the house of complainant Ashish at about 12:40 a.m. and fired indiscriminately over his gate with an intention to kill him. Complainant escaped by running inside. The assailants kept on firing, abusing and hurling threats.

3. It is contended by learned counsel that petitioner is no where mentioned in the FIR; that petitioner has no criminal antecedents; that no injury was caused to anybody; that he is behind bars for the last more than 3 months and so, he be allowed bail.

4. Reply by way of an affidavit of Ms. Medha Bhushan, I.P.S. Additional Superintendent of Police, Rohtak along with custody certificate has been placed on record by learned State counsel.
5. Learned State counsel opposed the bail petition by submitting that in his supplementary statement made by the complainant, he has named petitioner to be one of the assailant. Learned State counsel also submits that though incident was captured on CCTV but only the model of the vehicle is visible in the CCTV footage.
6. As stated by learned State counsel, neither the faces of the assailants nor the registration number of the vehicle is visible in CCTV footage. Learned State counsel is unable to explain as to how on the next day, complainant came to know that petitioner was present at the spot as the occurrence had taken place in the mid of the night.
7. As per the custody certificate, petitioner is in custody for the last 3 months and 24 days with no criminal antecedents.
8. Having regard the aforesaid facts and circumstances, but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

July 20, 2023

Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No