

CRM-M-32418 of 2022

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-32418 of 2022

Date of decision: 06.01.2023

Ravi alias Bumbum

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. R.K. Lathwal, Advocate, for the petitioner.
Mr. Vikrant Pamboo, DAG, Haryana.

NAMIT KUMAR, J. (ORAL)

Status report dated 04.01.2023 by way of affidavit of Virender Singh, Assistant Commissioner of Police, City, Sonipat and custody certificate have been filed on behalf of the respondent-State, which are taken on record.

This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.200 dated 11.04.2022 under Sections 307, 384, 34 IPC (Sections 386, 120-B and 506 IPC added later on) and Section 25 of the Arms Act, 1959, registered at Police Station Civil Lines, Sonipat, District Sonipat (Haryana).

Brief facts of the case are that on 11.04.2022 ASI received a telephonic information that on Railway Road, a firing incident has taken place at Mayur Mehal Scooter Stand. On this information ASI Mukesh along with his colleagues went to the spot where complainant Avinash Kapoor moved a written complaint to ASI. In his complaint, complainant stated that he and his real brother Sanjay Kapoor run the business in

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partnership. Two months back, brother of complainant namely Sanjay told the complainant that he has received a telephonic call wherein the caller introduced himself as Satish alias Monu, resident of Kilohard that demanded definite amount of ransom to be paid every month to him and stated that only then they can run their business else Sanjay would be killed. Further disclosed that Sanjay took this call lightly. On 10.04.2022 at about 08.50 PM when complainant was sitting in his office at Railway Road, Sonapat then two boys came there and enquired whether complainant has been told by his brother about making payment of money. The complainant replied in negative. Then both boys came out of their office but returned after sometime. They impressed upon the complainant to have a talk with someone but when complainant refused to make payment then those two boys from their weapons directly fired two rounds upon complainant. He had a narrow escape. Both the boys with their weapons of offence ran away after committing the incident. Upon it, above referred FIR was registered. FSL team was called at the spot. Two empty cartridges and led pieces .32 bore were lifted from the spot and were taken into police possession in a sealed parcel as per rules. During investigation, it was found out that threat was given by Monu son of Azad, resident of Lalheri but his name was wrongly written in the complaint as Satish alias Monu resident of Kilorad. Offence under Section 506 IPC was added.

Learned counsel for the petitioner contends that petitioner is innocent. He is not named in the FIR and has been falsely implicated in the present case on the basis of his disclosure statement in another case bearing FIR No.236 dated 11.04.2022 with the aid of Section 120-B IPC. There is no evidence against the petitioner for hatching conspiracy and no overt act

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has been attributed to him. He contends that in the present case Tarun is the main accused who shot the fire. Only allegation against the petitioner is that he conducted reccee. No recovery has been effected from the petitioner. He contends that petitioner is in custody since 15.04.2022 i.e. for the last 08 months and 19 days and his further custodial interrogation is not required. In the present case, challan has been presented; charges have been framed and out of total 28 witnesses none has been examined as yet. The next date before the trial Court is 02.03.2023. He submits that trial is likely to take a considerable time to conclude. Therefore, no useful purpose would be served by detaining the petitioner behind bars.

Learned State counsel has opposed the prayer for grant of bail to the petitioner, however, it is not disputed that charges have been framed, but no prosecution witness has been examined so far and petitioner is in custody since 15.04.2022.

After hearing the learned counsel for the parties and considering the custody period of the petitioner of 08 months and 19 days and the fact that prosecution is yet to examine its witnesses and it may take considerable time to conclude the trial, however, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

06.01.2023
R.S.

(NAMIT KUMAR)
JUDGE

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