

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

224

CRM-M-31443-2023

Date of Decision: July 17, 2023

Neeraj @ Dheeraj

...Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. G.S. Sandhu, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.80 dated 10.02.2023 registered under Sections 148, 149, 307, 506 of IPC (Sections 148, 149 of IPC were deleted and Section 34 of IPC was added) and Sections 25, 54 and 59 of Arms Act, at Police Station City Karnal, District Karnal.

2. As per the case of the prosecution, at about 11.00/11.30 p.m. on 09.02.2023, the complainant-Sandeep Kumar alongwith his mother, wife and daughter were present in their house and the main gate of their house was bolted at that time. After sometime, they heard the noise of opening of the gate and found that several persons had attacked at their gate. The complainant came out of his bed-room and went to open the gate, where someone fired a shot upon him. However, he narrowly escaped. The bullet fired by the accused

pierced the curtain and the door of their kitchen and struck in the wall. The complainant and his family members saved their lives after taking shelter on roof of their house. The complainant side noticed two motorcycles, on which 4- 5 young boys were riding and they were identified as Neeraj @ Dheeraj, son of Jai Narain and Laadi @ Naveet and Vikas alias Firangi, the petitioner. The complainant further stated that he could identify the other assailants if they were produced before him and all the assailants were armed with Dandas / guns etc. The accused extended threats to see them in future and fled from the spot. With these broad allegations, the FIR in the present case was registered.

3. Learned counsel for the petitioner contends that he was arrested in the present case on 12.02.2023 and the challan has been presented against him. Even there is no specific attribution against the present petitioner. He further contends that similarly placed co-accused Vikas has been granted the concession of bail vide order dated 12.07.2023 passed by this Court in CRM M-31896 of 2023. As per the case of the prosecution, the fire shot is attributed to Navneet @ Laddi and a country made pistol was recovered from him and he has been granted the concession of bail by the learned Juvenile Court. Even no one was injured in the present case and there are no other cases against the present petitioner.

4. On the other hand, learned State counsel has vehemently opposed the petition filed by the present petitioner on the ground that

he along with other co-accused had opened indiscriminate firing on the complainant and his family members, he does not deserve the bail by this Court.

5. I have heard the learned counsel for the parties and perused the record.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

July 17, 2023

amit rana

(N.S.SHEKHAWAT)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No