

CRM-M-31896-2023
Date of Decision: 12.07.2023

Vikas ...Petitioner

VS.

State of Haryana ...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Pratap Singh Gill, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

On the oral request made by learned counsel for the petitioner, Section 25 of the Arms Act is ordered to be added in the head note as well as the prayer clause of the present petition.

Learned counsel for the petitioner is directed to carry out the necessary correction in the Court itself.

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 Section 25 of Arms Act, at Police Station City Karnal, District Karnal.

As per the case of the prosecution, at about 11.00/11.30 pm 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.

Learned counsel for the petitioner contends that the petitioner was arrested in the present case on 12.02.2023 and is in custody since then. Even though the petitioner has been named in the present FIR, still no specific allegations have been levelled against him. As per the case of the prosecution, the fired shot is attributed to Naveet alias Laadi and a country made pistol was recovered from him. He further contends that Naveet alias Laadi has already been granted the concession of bail by the learned Juvenile Court. Even no one was injured in the present case and a recovery of motorcycle has been planted on the present petitioner. He further contends that there are no other cases against the present petitioner.

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 observe the bail by this Court.

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

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.

12.07.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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