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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-32431-2023 (O&M)

Date of decision: July 14, 2023

Raman @ Ramni

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr.Manvinder Singh Dalal, Advocate for petitioner.

Mr. Karan Garg, AAG Haryana.

ARUN MONGA, J. (ORAL)

Petitioner, seeks bail in criminal case bearing FIR No.325 dated 11.12.2019, registered under Sections 307, 435, 120-B, 201, 148 read with Section 149 of the Indian Penal Code, 1860 (for short 'IPC') and Section 25 of the Arms Act, 1959 (for short 'Arms Act'), at Police Station Cheeka, District Kaithal.

2. Per First Information Report (FIR), on 01.12.2019 at about 11:00 p.m., complainant-Gurjant, Meshi son of Ajmer and Jasbir son of Karam Singh were sitting in agricultural fields. Heated altercation took place between him and Rajesh Kumar, over telephone. After sometime, Rajesh Kumar, Gulgal @ Kuldeep, Manjeet, Vijay @ Bhoot, Ashok, Amit, petitioner, Vishal and 3-4 other boys arrived there on two vehicles. They were having hazardous weapons like country-made pistols, *gandasis*, *dandas*, *bindas* etc. Upon *lalkara* raised by co-accused Gulgal @ Kuldeep, complainant got scared and tried to escape on his motorcycle, through *kachha rasta*. In the meantime, accused Kuldeep @ Gulgal fired a shot from his pistol to kill complainant. However, he bent down and had a narrow escape. An FIR was registered in this regard. Petitioner is in custody since 01.05.2023.

3. Learned counsel for petitioner submits that petitioner has been falsely implicated in this case. Petitioner has not committed any alleged offence. He further submits that there are as many as six other cases against the petitioner, but in one case, he has been convicted and in five cases, he has already been accorded concession of bail. He

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submits that no injury has been attributed to him and even no injury has actually been caused by the petitioner as per own version of complainant in the FIR.

3.1. Learned counsel would further contends that petitioner was granted concession of regular bail by the Court below vide order dated 05.03.2020 (Annexure P-2). He had been appearing regularly. Unfortunately, another FIR No.83 dated 06.03.2022 was registered against him, but was granted regular bail in that case as well. Due to this, petitioner could not appear before learned trial Court on 08.04.2022 and his non-bailable warrants were issued. He was, therefore, arrested on 16.03.2023. Thereafter, after getting bail petitioner came to know through his counsel that he was declared a proclaimed offender in the present case. Petitioner himself surrendered before the Court below on 01.05.2023 and is in judicial custody since then.

4. On the other hand, learned State counsel, on instructions from SI Shamsheer Singh opposes the bail petition. He submits that petitioner has committed a serious offence. He further canvasses that previous conduct of petitioner does not inspire confidence as he is involved in seven other cases and had misused the concession of bail earlier. If enlarged on bail again, there is every likelihood that he will commit similar offence and/or will not flee.

5. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

6. In this case, petitioner was earlier granted concession of regular bail vide order dated 05.03.2020 by the Court below. Thereafter, he could not appear before learned trial Court due to his arrest in another FIR and as such, his absence of neither wilful nor deliberate but due to circumstances beyond his control. Further, petitioner himself surrendered before the Court below on 01.05.2023. It is stated that petitioner is though involved in six other cases, but in one case, he has been convicted and in remaining five cases, he has already been accorded concession of bail. No injury has been stated to be attributed to the petitioner.

6.1. Be that as it may, on a Court query, it transpires that investigation is complete *qua* petitioner but charges are yet to be framed. There are 26 prosecution

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witnesses in all and trial is unlikely to conclude in near future. Petitioner is not required for custodial interrogation.

7. That apart, bail allows an accused to maintain his freedom until his guilt or innocence is determined. Trial is likely to take long time. Whereas, petitioner has already been languishing in jail for the past more than 2 months in preventive custody, he being behind bars since 01.05.2023. Petitioner is stated to be 23-year old married person and has to look after his wife who is dependent on him. It is also stated that he has added responsibility of looking after his old aged parents and in his absence, they are having no source of livelihood and living in sheer penury.

8. Considering the overall scenario and without commenting on the merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody.

9. Accordingly, petitioner is ordered to be released on bail, if not required in any other case, on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court, where his case is being tried and in case he/she is not available, before learned Duty Judge, as the case may be.

10. In case, petitioner is found to be involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of his bail in the instant case.

11. It is made clear that any observations and/or submissions noted hereinabove shall not have any effect on merits of the case as the same are for the limited purpose of hearing the instant bail petition alone and learned trial Court shall proceed without being influenced with this order.

12. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

July 14, 2023

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No