

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-33543-2023
Date of decision:-21.12.2023

Vijay @ Monu... Petitioner

Versus

State of Haryana.. Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Vijay Kumar Jindal, Senior Advocate with
Mr.Bhavya Vats, Advocate
for the petitioner.

Mr.Ramender Singh Chauhan, AAG, Haryana.

Mr.S.S. Mor, Advocate
for the complainant.

SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Section 439 Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
84	08.03.2023	Sadar, Hansi, District Hisar	307, 325, 506, 34 IPC and Sections 25 and 30 of Arms Act, 1959

2. Case of the prosecution is that FIR, Annexure P1, has been registered on the statement of Krishna Devi, wherein she stated that on the occasion of FAAG (Holi), she was sitting outside her house with her family members. Her son Karan Pal was standing on the podium. At 4:00 p.m., Sanjay and his son Punit, who was sitting behind came on a motorcycle.

Sanjay instigated Punit to attack Chaudhary upon which Punit took out a pistol from his trousers' pocket and fired. Upon raising an alarm, both the accused sped away and threatened that they will eliminate her and her entire family. Karan Pal was admitted in a hospital with gun shot injuries. Motive of the attack was that Sanjay had a grudge against the complainant's family as they had not cast their vote in his favour during the elections for Sarpanch.

3. Learned Senior Counsel has urged that although petitioner is named in the FIR but he has been falsely implicated. By referring to the statement, Annexure P2, of injured – Karan Pal, which was recorded on 13.03.2023, five days after the alleged incident, as well as his testimony, it has been argued that Sarpanch has been accused of instigating the co-accused, Punit. He submits that the petitioner was apprehended on 15.03.2023 and as the star prosecution witness has been examined, petitioner, who enjoys a clean past, deserves to be enlarged on bail.

4. Prayer in the petition has been opposed by the State counsel, who is assisted by counsel for the complainant. A reference has been made by them upon the status report as well as the statement of the injured. In addition, it has been submitted that the injured remained unconscious and his statement was recorded five days later when he recovered. It has been further argued that the petitioner along with co-accused had made a recce of the house and the attack was carried out with a pre-determined mind. It has been further submitted that out of 25 prosecution witnesses, Karan Pal – PW1 has been examined in chief but his cross-examination has been

deferred as an application has been moved for summoning additional accused.

5. I have heard counsel for the parties and considered their respective submissions.

6. There is no allegation of firing against the petitioner although he is accused of accompanying the main accused, Punit. The role ascribed to him and the allegations levelled against him would be determined by the trial Court during the course of trial on the basis of ocular and documentary evidence adduced before it. The petitioner, who is a young man of 26 years of age with clean past, is in custody for the last more than nine months. The trial is at an embryonic stage and there is a remote possibility of its early conclusion. This Court, therefore, unhesitatingly accepts the prayer made in the petition.

7. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.

8. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

21.12.2023
Brij

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No