

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

207+109

CRM-M-36711-2022 (O&M)
Date of decision : 13.01.2023

Deepak

Petitioner

V/S

State of Haryana

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Aman Pal, Advocate
for the petitioner.

Mr. Munish Sharma, Asstt. A.G., Haryana
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

CRM-1293-2023

For the reasons mentioned in the application, the same is allowed and copies of statements of PW-1 to PW-3 filed by the petitioner are taken on record as Annexure P-7.

CRM-M-36711-2022

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.219 dated 16.09.2020 registered under Sections 302, 307, 147, 148 and 120-B of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 at Police Station Bass, District Hisar.

The above-said FIR was registered on the complaint made by complainant-Akshay, brother of the deceased-Aman, alleging that on 16.09.2020 at about 11:15 a.m. when he and his brother-Aman were present outside their house, accused-Gurdeep @ Gabbu, Deepak,

Bhagat and Ram Bhaj, armed with weapons, came there and fired on them. The complainant ran inside his house. One gun shot hit in the stomach of his brother-Aman which passed through his stomach. Thereafter, all the assailants ran away from the spot with their weapons.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. No specific role has been attributed to the petitioner and nothing has been recovered from him. Co-accused Manjit, Bhagat Singh and Rambhaj, who were named in the FIR as assailants, have been declared innocent by the Investigating Agency. Co-accused Aksay, Sudhir and Rahul have been granted concession of regular bail by the trial Court vide orders dated 12.02.2021 and 02.03.2022 and 06.05.2022, respectively and co-accused Shashi Pal @ Pali has been granted concession of regular bail by this Court vide order dated 19.01.2022 passed in CRM-M-30419-2021. Moreover, the material witnesses namely Aksay (PW-1), Ranbir (PW-2) and Ashok (PW-3) have already been turned hostile. The petitioner is not involved in any other case. The petitioner is in custody since 11.12.2020. Trial is likely to take time and no purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State counsel opposed the present petition in terms of status report dated 07.11.2022 which is already on record. Learned State counsel contends that the petitioner had actively participated in the occurrence. However, he conceded the fact that nothing has been recovered from the petitioner and he is not involved in any other case.

I have heard learned counsel for the parties and gone through the paper-book.

The allegation against the petitioner is that he actively participated in the occurrence. Nothing has been recovered from him. The petitioner is in custody for last more than 02 years. As stated above, co-accused Manjit, Bhagat Singh and Rambhaj have been declared innocent by the Investigating Agency. Co-accused Aksay, Sudhir and Rahul have been granted concession of regular bail by the trial Court and co-accused Shashi Pal @ Pali has been granted concession of regular bail by this Court. Moreover, the material witnesses Aksay (PW-1), Ranbir (PW-2) and Ashok (PW-3) have already turned hostile. Trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner-Deepak is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

13.01.2023

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**(ASHOK KUMAR VERMA)
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No