

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

206

CRM-M-36784-2022

Date of Decision: 14.02.2023

Ramesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Jitender Dhanda, Advocate, for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.20 dated 16.01.2019 at Police Station Azad Nagar, District Hisar, under Sections 147, 148, 149, 307, 302 & 506 IPC and Section 25 of the Arms Act.
2. The case of the prosecution, in nutshell, is that on 15.01.2019 at about 7.00 p.m., complainant Pawan Kumar son of Layak Ram reached his home from his office where his friend Sunil son of Pawan Kumar had come to meet him. After taking tea, both went to the house of Bansi Lal, uncle of complainant Pawan, to meet him. He found that his uncle was ploughing the fields with his tractor. His son Sunil and 5-6 boys were standing there. On the other side, 5-6 ladies along with Hansraj, Rajender Balla sons of Narsi, Madan Lal son of Jagar were standing with sticks in their hands. They attacked the complainant and other persons on from the

side of Bansi Lal and caused them injuries with their sticks. When complainant and his friend intervened to save them, a gun shot came from the side of Dhani and hit a boy in between his neck and head. Chandi Ram son of Jagar was firing from his gun. Atma Ram son of Narsi also fired shots from his gun towards complainant party. One of the fire hit the shoulder of complainant while some pellets hit Sunil, friend of complainant on his neck and face. Ramesh son of Atma Ram (petitioner) also fired shots from his gun. When the complainant was going to be unconscious, Bansi Lal, his son Sunil took care of them along with one Parmod, who had also suffered bullet injuries and took them to Mahatma Gandhi Hospital, Hisar, where complainant, Sunil and Parmod were got admitted. After some time, Parmod died of the bullet injuries.

3. Learned counsel for the petitioner has submitted that he has falsely been named in the FIR and that although he alongwith 3 other accused is stated to have fired at the complainant party, but general allegations have been leveled therein and there is nothing to suggest that the petitioner had actually fired at the complainant party or that any gun shot fired by him had hit anybody from the complainant party. Learned counsel, in this regard, has referred to the statement of the complainant recorded during the proceedings of trial, which is annexed as Annexure P-3, wherein during his examination-in-chief, the complainant stated that Ramesh (petitioner) had also fired from his gun, but he does not know whether anybody has received injuries from said gun shot. Learned counsel has also submitted that the petitioner has already been behind bars since the last about 4 years and although majority of the witnesses already stand

examined, but the trial is still likely to get delayed, as there is hardly any progress in the cross-case, wherein pursuant to filing of an application under Section 319 Cr.P.C., one additional accused had been summoned, but the said order has been challenged by the opposite party in this Court and on account of which the proceedings have virtually been stayed.

4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically alleged to have fired from his gun alongwith 3 other co-accused and apart from the deceased Parmod, 2 other persons, namely, Sunil and Pawan had also sustained gun shot injuries, the complicity of the petitioner is clearly evident particularly in view of the factum of recovery of a pistol from the petitioner. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 4 years and that he is not involved in any other case. Learned State counsel has also informed that as on date 24 PWs out of cited 25 PWs already stand examined and that in the cross-case the proceedings have virtually been stayed.
5. This Court has considered rival submissions.
6. It is no doubt correct that serious allegations have been leveled against the petitioner. However, this Court finds that the petitioner has been behind bars for a substantial period of about 4 years. Although 24 PWs out of cited 25 PWs have already been examined in the present case, but the trial is likely to get further delayed, as the same is to be decided alongwith cross-case, wherein there is hardly any progress. The petitioner otherwise is not stated to be involved in any other case. There is no possibility of any intimidation of the witnesses, as all of them

already stand examined. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

14.02.2023

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**