

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-39073-2022

Date of Decision: 08.02.2023

Deepak Chaudhary

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Raghav Sharma, Advocate for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 Cr.P.C., for grant of regular bail in case FIR No. 189 dated 09.04.2021 registered under Sections 397 and 398 IPC (Sections 307, 120-B and 201 were added later on) and Section 25 of the Arms Act, at Police Station Gharaunda, Karnal.

Briefly, the aforesaid FIR was registered on the basis of statement of eye-witness Amrish Kumar S/o Ravinder Parshad Yadav R/o Chandpur Bhangda, Janki Nagar, District Purnia (Bihar) to the effect that he is working at Juneja Trading Company, Gharaunda. On 09.04.2021 at around 7:45 P.M., he was assisting his employer Vinod Juneja, in closing the shop. In the meanwhile, three assailants with muffled faces forcibly entered into the shop. They caught hold the complainant and another employee Sanju Pal. The assailants started assaulting the victims with ice

breaking pork. A customer, who came at the shop to buy goods was also caught hold by the assailants and his mobile phone was snatched. In the meanwhile, one of the assailants had taken out a pistol and fired at employer/victim Vinod, which landed in his stomach. Entire incident captured in the CCTV cameras installed in the shop. Before firing, the assailants had demanded the bag containing cash. Eye-witness further stated that assailants had come to the shop of the injured/victim-Vinod, in order to kill him and to loot the cash, who after committing the crime fled away from the spot.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has falsely been implicated in the instant case on the basis disclosure statement of his co-accused, which is a very weak type of evidence. No injury has been attributed to the petitioner. No test identification parade was conducted by the investigating agency. The petitioner is not involved in any other case. He is in custody since 27.08.2021. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Co-accused of the petitioner, namely; Sanjeev and Sahil @ Sonu, have already been granted the concession of regular bail by a co-ordinate Bench of this Court vide orders dated 12.07.2022 (Annexure P-1 and P-2, respectively). Thus, it is prayed that treating the case of the petitioner on the same parity as that of his co-accuse, he may also be released on regular bail.

On the other hand, learned State counsel has vehemently opposed the prayer for grant of regular bail to the petitioner.

Keeping in view the facts and circumstances of the case,

nature of accusation, custody period of the petitioner, non-involvement of petitioner in any other case and the fact that the trial is likely to take long time, but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner-Deepak Chaudhary, is ordered to be released on regular bail on furnishing of bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

February 08, 2023
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(ASHOK KUMAR VERMA)
JUDGE

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