

217

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

**CRM-M-37890-2023 (O&M)
Date of decision : 20.11.2023**

PRINCE @ BACHHI

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Chandan S. Rana, Advocate for the petitioner.

Mr. R.K. Ambavta, AAG, Haryana.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.583 dated 21.11.2022 registered for the offences punishable under Sections 307, 120-B IPC and Sections 25/29/54 of Arms Act, 1959 at Police Station City Thanesar.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. Complainant Pooja alleged as under :

“xxxI hereby state that I am resident of above mentioned address and I do household work. My marriage was solemnized in year 2011 with Shamsher Singh son of Fakir Chand resident of Barwa and two daughters and one son are born from our wedlock. My husband has shop with name K.K.S. Bartan Bhandar at Vashisht Colony, Near Lal Dwara Mandir. Today dt. 21.11.2022 at time about 3:15 PM my husband Shamsher Singh

gave information at my phone that Rahul Malik son of Surender Malik resident of Vashisht Colony, Mohan Nagar has fired multiple gunshots at me and he is accompanied by his accomplices. At receipt of this information I immediately gave this information to my parents who reside at Mohan Nagar and we went to the spot and saw that Rahul Malik has fired 7/8 bullets at my husband Shamsher Singh with intention to kill on finding him sitting alone at chair in front of our shop by doing his reiki with help of his friends Vicky Sodhi and Sachin Sudhail etc. due to grudge of his old case since year 2021. My husband Shamsher Singh has been shot on both legs and hand. My husband Shamsher Singh has told all this upon reaching at the spot. Thereafter, I arranged ambulance and police also came at the spot and I brought my husband Shamsher Singh at INJP Hospital for medical treatment, where, my husband is undergoing medical treatment. On dt. 30.06.2021 Rahul Malik son of Surender Malik in connivance with his friends Gopi Chand son of Karambir @ Beera, his brother Rahul, Parveen son of Balwan Singh, Kalu son of Isma Singh whose real name is Mandeep residents of Barwa had fought with my husband Shamsher Singh at same spot and the matter was compromised in Panchayat. Now I have full doubt that Gopi Chand, Rahul, Parveen, Mandeep and their other accomplices, with whom matter was earlier compromised on dt. 30.06.2021 in Panchyat, are also involved with Rahul Malik son of Surender Malik, Vicky Sodhi and Sachin Sudhail in firing multiple gunshots at my husband. Legal action be taken against all these persons.xxx”

4. Role of the petitioner has been spelled out in Para 4 of the status report which reads as under :

“Thereafter, during investigation of the present case the statements of witnesses were recorded and the present petitioner/accused has got recovered **two country made pistol**

and vehicle i.e. car bearing No.HR09E-8881 used in the crime was also got recovered by the present petitioner/ accused and he was arrested in the present case on production warrant and he has also admitted that he was done reiki, hence present petitioner/ accused has committed crime of serious nature and he is not entitled for any relief as he has claimed in the present case.”

5. Counsel for the petitioner submits that apart from bald allegation against the petitioner having been done *reiki* and of having harbored the main accused in vehicle from the spot there is no overt act attributed to the petitioner so far as the firing on the person of victim is concerned. The petitioner is behind bars for last more than 9 months and 26 days. Investigation already stands concluded and challan stands presented and thus it is submits that the custody of the petitioner cannot not be prolonged as a punitive measure.

6. State Counsel submits that the petitioner was an active participant in the crime. Moreover, the antecedents of the petitioner are enough to decline him grant of concession of bail as the petitioner is facing more than 6 cases apart from the present case involving serious offences i.e. punishable under Sections 307, 302 IPC.

7. Faced with the situation counsel for the petitioner relies upon **'Prabhakar Tewari vs. State of UP and another', 2020 (1) RCR (Criminal) 831** to submit that the involvement of the petitioner in several more cases cannot be a ground to deny bail. Further reliance has been placed upon **'Maulana Mohd. Amir Rashadi vs. State of UP (SC)', (2012)**

2 SCC 382.

8. Having heard rival contentions of the parties, without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner, the role assigned to the petitioner and the fact that the investigation already stands concluded and Challan stands presented, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
9. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

November 20, 2023	(Pankaj Jain)
Dpr	Judge
Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No