

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

CRM-M-38842-2023

Date of decision : 28.08.2023

PANKAJ

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Rajender S. Malik, Advocate
for the petitioner.

Mr. A.K. Sehrawat, DAG, Haryana.

Mr. Ravinder Hooda, Advocate
for the complainant.

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.142 dated 3rd of May, 2023 registered for the offences punishable under Sections 307/34 IPC 1860, Section 25 of Arms Act, 1959 at Police Station Civil Line, Sonapat, District Sonapat (Haryana).

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

3. As per the contents of the FIR it has been alleged as under :

"TO, SHO, Civil Line, Sonapat.

Sir it is requested that I (Deepak S/o Parkash) am resident of Gali No.4. Patel Nagar, Sonapat. We are having dispute with our neighbours Mohit and Manish S/o Tej Singh R/o Patel

Nagar, Sonapat since many years. Today Manish with his two companions for the purpose of killing us by standing in front of our house fired on us. Then we with great difficulty rescued ourselves and the bullet hit at the gate of our house and thereafter Manish with his companions in Bolero Vehicle sped away from the spot. Legal action be taken against them. Sd/- Deepak, S/o Parkash, R/o Gali No.4. Patel Nagar, Sonapat, M.No.7404216737"

4. Counsel for the petitioner submits that the petitioner has not been named in the FIR. There is no allegation against the petitioner *qua* firing. Firing has been attributed to Mohit. The petitioner is behind the bars for last more than 3 months and 17 days. Investigation already stands concluded and Challan stands presented. Thus, there can't be any apprehension that the petitioner shall tamper with the evidence.

5. The prayer made by the petitioner has been opposed by counsel for the petitioner as well as State Counsel submitting that the incident was captured in CCTV and as per the footage discovered from CCTV it is evident that the petitioner was present on the spot and can be seen in the company of Manish and Mohit. Thus keeping in view the serious allegations levelled in the FIR it won't be a case for grant of regular bail.

6. Having heard counsel for the parties and after going through records of the case, keeping in view the incarceration already suffered by the petitioner and the fact that he is the first time accused and the firing, if any, has been attributed to Mohit and not the present petitioner, 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.

7. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

August 28, 2023		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No