

CRM-15764-2023 in /and
CRM-M-40989-2022

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2023:PHHC:053069

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
112+221

CRM-15764-2023 in /and
CRM-M-40989-2022

Date of Decision: 17.04.2023

Rohit

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Mayur Karkra, Advocate for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

ASHOK KUMAR VERMA, J. (ORAL)

CRM-15764-2023

Application is allowed as prayed for.

Copies of deposition sheets of PW-1 ASI Radhey Shyam;
PW-2 ESI Anand Kumar; PW-3 Pritam, Clerk, DC Office, Hisar dated
23.08.2022 and 30.10.2022; PW-4 Ct. Pardeep Kumar dated 03.01.2023
and PW-5-Deepak (complainant) dated 21.03.2023, are taken on record as
Annexures P-9 and P-10, respectively, subject to all just exceptions.

CRM-M-40989-2022

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. 388 dated 23.10.2021 registered under Section 307 read with

section 34 IPC (Section 323 IPC was added later on) and Section 25 of the Arms Act at Police Station Sadar Hansi, District Hisar.

Briefly, the aforesaid FIR was registered on the statement of complainant/injured-Deepak, stating therein that he is employed in Haryana Police and had come to his residence on leave for three days. On 22.10.2021, around 10:20 P.M. in the night, when he was sitting with his friend Manish, outside the house of Naman and were talking with each other, in the meanwhile, one i20 car having sand on its number plate came and the unknown person sitting along with the driver on the front seat had fired upon him and the bullet hit the “pindi” of his right foot. Thereafter, the assailants ran away from the spot while driving the car at the fast speed. The injured was taken to General Hospital, Hansi and thereafter, he was brought to Sarvodya Hospital, Hisar. With these broad allegations, aforesaid FIR was registered against unknown persons.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner was not named in the FIR, nor any specific role has been attributed to him. The petitioner was nominated in the present case on the basis of statement of eye-witness-Naman S/o Rajbir. The injuries were declared simple in nature and are not on the vital part of the body of the injured. No test identification parade was conducted. Statement of injured/complainant-Deepak, had already been recorded by the trial Court. The complainant has not supported the prosecution story as he has stated that he could not see the assailants due to darkness. Petitioner is in custody since 06.11.2021. Trial is likely to take time and no purpose will be served by keeping the petitioner in custody. Thus, it is prayed that the petitioner

may be released on regular bail.

On the other hand, learned State Counsel has opposed the submission made by learned counsel for the petitioner.

I have heard learned counsel for the parties and carefully gone through the record.

Keeping in view the facts and circumstances of the case, custody period of the petitioner and also the fact that petitioner was not named in the FIR and conclusion of trial will take sufficient long time, but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Accordingly, the present petition is allowed and petitioner-Rohit, is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

17.04.2023
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(ASHOK KUMAR VERMA)
JUDGE

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