

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-40146-2023

Date of Decision:-23.08.2023

Yuvraj Kumar @ Yuvi.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Jashan Mehta, Advocate for the Petitioner.

Mr. Kanwar Sanjiv Kumar, AAG Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.949 dated 06.11.2022 under Sections 307, 34 IPC and 25 of the Arms Act registered at Police Station Shahabad, Kurukshetra, Haryana.

2. The brief facts of the case are that the statement of Kulbir Singh was recorded to the effect that on 5.11.2022 he had departed to the Delhi Airport on a taxi to pick up his cousin sister who was returning back from Australia. On 06.11.2022 at about 2.00 am when he was returning with his cousin sister and had stopped at Aman Hotel at the GT Road to eat food, then three unknown youths came near his car. One of the youth fired a shot at the car which struck the windowpane breaking the glass into pieces. One piece of the glass hit the face and lip of his sister Manjit Kaur who started bleeding. Thereafter all the accused ran away from the spot. Legal action was sought.

During the course of investigation, the petitioner was arrested on 30.01.2023 from Delhi on the basis of the disclosure statement of his co-accused Prince @ Bachhi. It transpired that the petitioner and his co-accused Vishal @ Vicky Sodhi and Rahul Malik @ Jaat were the assailants who had been identified by the complainant.

3. The counsel for the petitioner contends that the complainant Kulbir Singh has been examined as PW-2 and has not supported the prosecution case having turned hostile. PW-3 Ramanjit, the driver of the vehicle has also not supported the prosecution case and has turned hostile. The statement of PW-5 Dr. Prashant Sagar would reveal that it was not certain as to whether the injuries received by Manjit Kaur were by a firearm. PW-4 Saroj Pal who provided the CCTV footage has not furthered the case of the prosecution in any manner. He thus contends that as the material witnesses had turned hostile, the petitioner was in custody since 30.01.2023 and only 09 of the 24 prosecution witnesses had been examined so far, the petitioner was entitled to the concession of bail.

4. The Counsel for the State on the other hand contends that the petitioner and his co-accused fired at the complainant party causing injuries to Manjit Kaur. Therefore, the nature of the allegations levelled against the petitioner and his co-accused did not entitle him to the concession of bail. He however, concedes that the petitioner is in custody since 30.01.2023 and only 09 out of 24 prosecution witnesses (including the material witnesses) had been examined so far and the material witnesses have not supported the prosecution case.

5. I have heard the learned counsel for the parties.

6. Admittedly, no one is named in the FIR. During the course of the investigation, the name of the petitioner and his co-accused was

revealed. The material prosecution witnesses have not supported the prosecution case. Whether the remaining evidence available on the record is sufficient to affix the liability on the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Only 09 out of 24 prosecution witnesses have been examined so far and, therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required as he is otherwise in custody since 30.01.2023.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Yuvraj Kumar @ Yuvi** of Sh. Vijay Kumar is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present case.

9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 23, 2023
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No