

CRM-M No.42894 of 2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.42894 of 2023

Date of decision : 11.09.2023

Chaman Alias Sumit

....Petitioner

Versus

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present :- Mr. Punit Malik, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

PANKAJ JAIN, J. (ORAL)

1 Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.340, dated 11.06.2023, under Sections 285, 323, 452, 506 and Section 34 IPC and 25(1-B)(1) of Arms Act (Sections 325 of IPC added later on), at Police Station Pataudi, District Gurugram.

2 As per contents of the FIR, it has been alleged as under:-

“To the SHO P.8. Pataudi, Gurugram, sir it is requested that I Neelam W/O Rajesh Kumar, R/O Village Hedaheeri, P.S. Pataudi, District Gurugram. On dated 10.06.2023 at around 09:30 PM, I was sitting along with my husband Rajesh Kumar and My son Depender, Suddenly my mother in law (Dever) Anil Kumar @ Monu s/o Amilal along with 6-7 boys entered into our house and started beating my husband with sticks Anil was asking to sign certain land documents else was threatening to kill my husband. After hearing the shouts regarding the quarrel, my neighbor namely Ajit S/o Phol Singh came to rescue my husband Rajesh on which the friends of Anil ran after Ajit and fired a gun shot in the air and then Anil along with his friends ran away in car bearing No. HR-76G-0648 and while leaving he threatened that if the documents of the lands are not signed then he will kill my husband with the entire family. Later, he took my husband to Chauhan Hospital Pataudi with the help of

the neighbors. Anil with the help of his friends give beatings to my husband in a land dispute, strict legal action be taken against him ”

3 Learned counsel for the petitioner contends that allegations against the petitioner is that he is one who fired in the air and the pistol is alleged to have been recovered from him. He further submits that on date there is no evidence that the shots alleged to have been fired, have been recovered from the petitioner. He relies on order dated 31.07.2023, whereby co-accused, namely, Parveen, stands admitted to pre-arrest bail. There is no apprehension that petitioner shall tamper with the evidence. The petitioner is behind the bars since 16.06.2023.

4 Both the learned counsel for the petitioner as well as State counsel are *ad idem* that challan stands presented in this case and investigation is complete.

5 Keeping in view the incarceration suffered by the petitioner and also the fact that challan has already been presented and investigation is complete, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

6 Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

September 11, 2023

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(PANKAJ JAIN)

JUDGE

Whether speaking/reasoned: Yes

Whether Reportable : No