

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.304

Case No. : CRM-M-44811-2023

Date of Decision : October 12, 2023

Deepak

.... Petitioner

vs.

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Parvesh Jaglan, Advocate
for the petitioner.

Ms. Nidhi Gupta, AAG, Haryana.

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GURBIR SINGH, J. :

1. This is second petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.362 dated 10.09.2022, under Sections 148, 149, 307, 341, 506 IPC, 1860 (Section 34 IPC deleted and Section 120-B IPC added later on) and Section 25 of the Arms Act, 1959, registered at Police Station Narwana City, District Jind (Annexure P-1).

2. Earlier bail petition filed by the petitioner was dismissed vide order dated 24.03.2023 passed by this Court.

3. The FIR in question was registered on the statement of Ram Mehar wherein he stated that he had taken Liquor Vends in Villages Koyal and Nepewala. They were two brothers. On 09.09.2022, he and his friend Sandeep were going to have meals in their vehicle i.e. Creta bearing registration No.HR-86-8700. When they reached near liquor vend, opposite

Narwana Bus Stand, one Dzire vehicle was stopped ahead of their vehicle and one Swift Car was also put behind their vehicle. He and Sandeep alighted from their vehicle, Ajay son of Rishipal, resident of Dhamtan Sahib and Balkar son of Deva resident of Dhamtan Sahib came out from Swift Dzire. They told him and Sandeep that they were men of Beda, resident of Karamgarh and they would not on that day leave them alive. Thereafter, Ajay took out weapon from his *Pajami* and straightway fired upon the complainant with intention to kill him. The bullet struck at his left arm. Thereafter, Ajay and Balkar ran away after sitting in the same vehicle, in which 2-3 other boys were also sitting. 4-5 persons sitting in the Swift Car also ran away with their vehicle.

4. Learned counsel for the petitioner has submitted that as per the prosecution version, only Ajay had fired upon the complainant. No one from the Swift Car had come out. Neither the petitioner was sitting in any of the cars nor he was driving the alleged car. It has also been argued that the petitioner was not named in the FIR. He was named in the disclosure statement of the co-accused Ajay. He himself surrendered before the Police on 22.09.2022. Charge-sheet has also been filed. Had there been any intention to kill, then more than one shot would have been fired. No role is attributed to the petitioner. Therefore, he be released on bail.

5. It has further been submitted by learned counsel for the petitioner that the co-accused have already been arrested. Statement of complainant Ram Mehar has already been recorded as PW-3 in the trial and he has not supported the version of prosecution. Copy of his statement has been annexed as Annexure P-2.

6. Learned State counsel has not filed the Status Report. However, she has opposed the prayer made by learned counsel for the petitioner on the ground that the other eye-witness Sandeep is yet to be examined. At this stage, the petitioner does not deserve the concession of bail.
7. Learned counsel for the petitioner, in support of his contentions, has also placed on record duly attested affidavit of aforesaid witness Sandeep, who has deposed that he does not know any thing about this case.
8. He has further submitted that the petitioner is in custody since 22.09.2022.
9. Heard.
10. The complainant injured has not supported the prosecution version and other eye-witness has also sworn the affidavit stating therein that he did not know anything about the incident in question. The completion of trial will take a long time. Therefore, without discussing the merits of the case and keeping in view the fact that the petitioner is already in custody for more than one year, the present petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate concerned.
11. However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.
12. Pending applications, if any, shall stand disposed of along with the present petition.

October 12, 2023
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.

