

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-45987-2023 in/&
CRM-M-46297-2023
Date of Decision: 07.11.2023

Harish Sharma

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Randeep Singh, Advocate, for the petitioner.

Mr. Gurbir S. Dhillon, A.A.G., Haryana.

VIKAS SURI, J.

CRM-45987-2023

This is an application for placing on record statements of complainant Daljit Singh and victim Mandeep Singh.

Notice of the application.

Mr. Gurbir Singh Dhillon, AAG, Haryana, accepts notice on behalf of respondent-State and waives service. He raises no objection if the same being taken on record.

For the reasons mentioned in the application and the submissions noticed above, present application is allowed. Statement of complainant Daljit Singh (witness No.1) and Mandeep Singh (witness No.2) recorded before the trial Court are taken on record, subject to all just exceptions.

CRM stands disposed of.

CRM-M-46297-2023

1. The petitioner has filed the present petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.304 dated 1305.2023, under Section 148, 149, 307, 323 and 506 IPC (Sections 25 and 29 of Arms Act were added later on), registered at Police Station Shahbad, District Kurukshetra.

2. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the case. It is submitted that there are no specific allegations against the petitioner and he has been implicated in this case only on account of the fact that he is brother of Deepak Sharma, against whom allegations of firing gun shot at the complainant-Daljit Singh have been made. The petitioner was arrested in this case on 22.05.2023 and since then, he is in custody. It is further submitted that the complainant Daljit Singh and victim Manjeet Singh have appeared as prosecution witnesses before the trial Court on 15.09.2023 and 12.10.2023, respectively and were declared hostile. Complainant-Daljit Singh has also suffered affidavit dated 27.06.2023 to the effect that he has settled the matter and has no objection if the case is closed and quashed. It is further submitted that similarly placed co-accused namely Vikrant Chauhan has already been granted the benefit of regular bail by the trial Court vide order dated 04.08.2023 (Annexure P-4). Learned counsel, thus, submitted that the petitioner be also granted the same benefit as no useful purpose would be served by keeping him behind bars.

3. Learned State counsel has filed the custody certificate of the petitioner dated 06.11.2023 in Court today and opposed the present petition

for grant of regular bail. However, he could not dispute the factual aspects as narrated by learned counsel for the petitioner.

4. Heard learned counsel for the parties.
5. Keeping in view the totality of the facts and circumstances that the petitioner is in custody since 22.05.2023; that the complainant and victim have turned hostile and resiled from their statements; co-accused Vikrant Chauhan has since been granted the concession of regular bail; and no useful purpose would be served by keeping him behind bars for an indefinite period.
6. Accordingly, the instant bail petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail-bond and surety/sureties to the satisfaction of concerned trial Court/Duty Magistrate.
7. It is made clear that the petitioner shall not influence the trial or any prosecution witnesses in any manner directly or indirectly.
8. The observation made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case on the basis of material available before it.

November 07, 2023
harish

(VIKAS SURI)
JUDGE

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