

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-49578-2022 (O&M)

Date of Decision: 03.07.2023

Ronak

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Kamal Deep Sehra, Advocate, for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.0145 dated 19.03.2022, under Sections 148, 149, 307, 323, 506 IPC and Section 25 of Arms Act (Later on Section 302 IPC added), registered at Police Station Sadar Gohana, Sonipat.

2. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and he has already faced incarceration for 1 year and 3 months. He further submitted that four witnesses including the complainant have been examined and even as per the prosecution story, the deceased Ashok had died due to bullet injury which was given by the co-accused, namely, Sandeep and the role attributable to the petitioner was giving of lathi blows. He further submitted that now the material witnesses have been examined and the petitioner is not involved in any other case and has got clean antecedents and therefore, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Naveen Kumar Sheoran, learned DAG, Haryana has submitted that it is correct that the petitioner is in custody for 1 year and 3 months and the role attributed to the petitioner was giving of lathi blows. He further submitted that the petitioner is not involved in any other case but he has opposed the grant of bail on the ground that the matter is serious in nature.

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

5. It is a case where as per the allegations, although the name of the petitioner figured in the FIR but the role attributed to the petitioner was not giving of firearm injury but of giving lathi blows whereas the deceased Ashok allegedly died due to firearm injuries. The material witnesses including the complainant have already been examined. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

6. In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

03.07.2023

rakesh

(JASGURPREET SINGH PURI)

JUDGE

Whether speaking : Yes/No

Whether reportable : Yes/No