

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

209

CRM-M 52319 of 2022

Date of Pronouncement: 11.04.2023

Krishan

.....*Petitioner*

Versus

State of Haryana

.....*Respondent*

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.

Present: Mr. D.K. Tuteja, Advocate for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

Mr. Sarvedsh Malik, Advocate
for the complainant.

GURBIR SINGH, J

The petitioner has filed the present petition praying for grant of regular bail in case FIR No.58 dated 10.02.2022, under Sections 341, 307, 120-B, 34 IPC and Section 25/27 of Arms Act, registered at Police Station Sadar Rohtak.

Case in question was registered at the instance of Sachin-complainant. As per allegation, he along with his real sister Nisha and his aunt Meenu was going to Rohtak in their Swift Car No. HR26 BG 5991 for their personal work. At about 10 am, when they reached in front of the house of Aman son of Jai Bhagwan, four persons riding on two motorcycles stopped their car by coming in front and back of their car and started firing indiscriminately upon them. One shot hit on back and on fingers of right hand of his sister Nisha and that his aunt also suffered fire arm injury. They identified one of the assailants namely, Krishan (present petitioner). Earlier also they were having litigation with him.

Learned counsel for the petitioner has argued that Krishan-

petitioner had got registered FIR No.432 dated 15.09.2017, under Sections 307, 323, 341, 506, 148 and 149 IPC, at Police Station Sadar Rohtak, against the complainant and his family members, in which they are facing the trial. Petitioner and his brother have also deposed in the said case against the complainant and his family members. The instant FIR is a counter blast and due to deposition of petitioner and his brother in Court against them. Complainant also named Surinder, brother of the petitioner but he was found innocent. Co-accused Ankur is already released on regular bail. Pistol, live catridge and a motorcycle used in the crime were recovered from Ankur. Co-accused Akshit and Golu have already been released on regular bail. Complainant was discharged on the same day. There was no injury on the vital part. Challan is already presented. Petitioner is in custody since 24.02.2022. Petitioner is falsely implicated in other cases. He has already been released on bail. Pendency of the case is no ground to deny the bail.

Custody certificate filed by learned State counsel is taken on record.

On the other hand, the prayer is opposed by learned State counsel. It is fairly conceded that petitioner has been in custody since 28.02.2022 i.e. for a period of more than one year. It is submitted that challan is already presented. Out of 38 prosecution witnesses, 09 witnesses have already been examined. The allegations against the petitioner are very serious. The petitioner hatched a criminal conspiracy to kill the complainant due to previous enmity, on account of causing injury to the brother of the petitioner. Petitioner arranged weapons and he along with co-accused had fired on the complainant and his sister. On disclosure statement, pistol and

two bullets were recovered. There are four other criminal cases registered against the petitioner.

Learned counsel for the complainant submits that earlier at the time of marriage in the family of the complainant, petitioner had attacked them. They belong to the same village. The petitioner had caused injuries as he was inimical towards the complainant and his family. Petitioner is not entitled for bail.

Heard.

As per the allegations, earlier complaint was registered against complainant and others for causing injuries to the brother of the petitioner. Petitioner and his brother had already deposed in the Court. Now injuries have been caused to the complainant, his with his sister and aunt. The injuries had been caused with fire arm with pre meditated mind. The parties belong to the same village. No doubt four other cases have also been registered against the petitioner. The pendency of other cases is no ground to decline bail but the said fact is to be considered whether a person is entitled for bail or not. Complainant and injured are already examined. The petitioner is in custody for a period of more than one year. The completion of trial will take long time. No useful purpose would be served by detaining the petitioner behind bars any further. The petition, as such, is *allowed*. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate, concerned.

(GURBIR SINGH)
JUDGE

11.04.2023
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No