

CRM-M-52076-2023

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(232)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-52076-2023

Date of Decision: 18.10.2023

RAHUL @ LEELE

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Johan Kumar, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, Asstt. A.G., Haryana.

Mr. Ritesh Tomar, Advocate
for the complainant.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.61 dated 16.02.2023 registered under Sections 307, 34, 341 IPC, 1860 (Section 201 IPC added later on) and Section 25 of Arms Act, 1959 at Police Station Sadar Ballabhgarh, District Faridabad, Haryana.

2. The present FIR came to be registered at the instance of Rajbir son of Ishwar Singh who stated that he was an agriculturist. On 16.02.2023, he along with his son Vinit were going towards Village Gadkheda on a motorcycle being driven by Vinit. When they reached near Diwan Farm House, then Bhola son of Satish and Rahul @ Leele (petitioner) son of Rajendra residents of Village Gadkheda were already standing there. They (accused) stopped them (complainant party). Rahul caught hold of his son

Vinit and Rajender caught hold of him (complainant). At the same time, a Toyota Car came to the spot along with Satpal son of Tuhi Ram and Rajendra (granted bail vide order dated 03.08.2023 passed in CRM-M-36793-2023) son of Het Lal. Bhola was having a country-made pistol in his hand. Satpal took the pistol from Bhola and shot at him (complainant) with an intention to kill and the bullet struck his left arm and another shot struck his thigh. Then Bhola took a country-made pistol from Satpal and shot at his son Vinit hitting his right leg. Thereafter, the accused ran away from the spot.

3. The learned counsel for the petitioner contends that no injury has been attributed to the petitioner. No firearm has been recovered from him. Only a mobile phone and Rs.200/- have been shown to be recovered from him and the same has been planted. In FIR No.225 dated 20.08.2021 under Sections 323, 427, 452, 506 IPC, Police Station Chhainsa District Faridabad, he has been granted bail. As the petitioner was in custody since 04.03.2023, none of the 29 prosecution witnesses had been examined so far and his co-accused Rajender had been granted bail, he was entitled to the similar concession of bail as well.

4. On other hand, the learned State counsel assisted by the learned counsel for the complainant vehemently contend that the petitioner along with his co-accused committed a grave offence. He was a habitual offender with one other case registered against him. He was thus not entitled to the concession of bail. They, however, concede that co-accused Rajender has been granted bail, the petitioner is in custody since 04.03.2023 and none of the 29 prosecution witnesses had been examined so far.

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

6. The veracity of the prosecution case against the petitioner and his co-accused shall be a matter of adjudication during the course of trial. Admittedly, the injured has been released from hospital and is in good health. The petitioner is in custody since 04.03.2023 and none of the 29 prosecution witnesses have been examined so far. Therefore, the trial of the present case is not likely to be concluded anytime soon. In such a situation, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Rahul @ Leele son of Rajender @ Pappan is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause

9. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

18.10.2023

JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No