

208

CRM-M-58839-2023
DECIDED ON: 01.12.2023

DEEPU @ DEEPAK

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL.

Present: Mr. Kartar Singh, Advocate
for the petitioner.

Mr. Deepak Bhardwaj, DAG, Haryana.

VIKRAM AGGARWAL, J (ORAL)

1. This is the second bail petition filed by the petitioner under Section 439 of the Code of Criminal Procedure (for short ‘Cr.P.C.’), for the grant of regular bail in case FIR No.334 dated 07.11.2022, registered under Sections 307, 384, 387, 452, 506, 212 and 120-B IPC and Section 25 of the Arms Act, 1959, at Police Station City Ratia, District Fatehabad.

2. On a complaint submitted by one Chandra Sain, the present FIR was registered. On 07.11.2022, at about 6.40 P.M., the complainant-Chandra Sain who has a shop by the name of TS Electronics in Ratia (District Fatehabad) was shutting down the same. His worker Sewak was outside the shop and another worker Ram was inside the shop. At that time, one young boy entered his shop. He had a muffled face. Upon seeing him, Sewak also came inside the shop. He then went outside and told the complainant that the unknown boy was calling him inside. The unknown person asked the complainant about the whereabouts of his son Honey. He then stated that his name was Sucha Singh and demanded a sum of ₹20,00,000/- from the complainant. He stated that if ₹20,00,000/- were not paid till the next day, the entire family of the complainant would be killed. The unknown boy was

carrying a pistol which he showed to the complainant and threatened him. This person namely Sucha Singh then went outside, where two other persons were waiting for him. All three fired at the complainant with an intention to kill him. However, two shots hit the windowpane and the third one hit the board on the shop. All three boys fled from the spot while extending threats. The present petitioner i.e. Deepu @ Deepak was arrested on 22.11.2022. A motorcycle, mobile with SIM no. 74047-82296 and illegal pistol 0.315 bore, are stated to have been recovered from the present petitioner. The motorcycle and pistol are stated to have been used at the time of the offence. It is also the allegation that the present petitioner had dropped Sucha Singh and Suraj near a park from where Sucha Singh, Manpreet @ Kali and Avtar Singh @ Tari went to the shop of complainant and committed the offence.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated. It has been contended that the petitioner is in custody since 22.11.2022; despite the final report under Section 173 Cr.P.C. having been submitted long back, trial has not progressed and the matter is still pending for framing of charges; trial will, therefore, take a sufficiently long time and, therefore, no useful purpose would be served by keeping the petitioner in custody any longer. Learned counsel also submits that even as per the allegations, there was no active involvement of the petitioner and he was not present at the spot nor is he alleged to have fired upon the complainant.

4. Custody certificate of the petitioner has been filed in the Court and the same is taken on record.

5. On the other hand, learned counsel representing the State of Haryana, has opposed the bail petition. Learned counsel, on instructions from PSI Kanwar Singh, submits that a motorcycle, a pistol and a cellphone have been recovered from the petitioner. He further submits that the petitioner is also

involved in another case under the NDPS Act. Learned counsel submits that if the petitioner is released on bail, he may try to influence and threaten the witnesses and may also abscond.

6. I have considered the submissions made by learned counsel for the parties.

7. This Court is of the considered opinion that the petitioner deserves to be released on bail. No doubt, his first bail petition was dismissed on 31.05.2023. However, thereafter, despite six months having gone by, the trial has not made any progress and the matter is still listed for consideration qua framing of charges. Admittedly, the petitioner was not present at the spot and no overt act has been attributed to him. Whether he was actually involved in the incident or not shall be determined when the trial concludes. Merely because he has one more case registered against him would not mean that he does not deserve to be released on bail especially when he is on bail in the said case also. As per the custody certificate, the petitioner has already undergone incarceration for 01 year and 04 days. Since trial will still take a sufficiently long time and the petitioner was not found at the spot, no useful purpose would be served by keeping the petitioner in custody any longer.

In view of the aforementioned facts and circumstances, without expressing any opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate Fatehabad.

(VIKRAM AGGARWAL)
JUDGE

01.12.2023
Prince Chawla

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