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

**CRM-M No. 61176 of 2023 (O&M)  
Date of Decision: 11.12.2023**

Joginder Kumar

..... Petitioner

**Versus**

State of Haryana

..... Respondent

**CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Anirudh Singh Shera, Advocate,  
for the petitioner.

Mr. Krishan Kumar Chahal, Additional Advocate General, Haryana

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**HARKESH MANUJA, J. (ORAL)**

By way of present petition under Section 439 Cr.P.C., prayer has been made for grant of bail pending trial in case FIR No. 175, dated 24.06.2023, under Sections 120-B, 307 & 34 of IPC and Sections 25, 25 (1) (A) of Arms Act, 1959, registered at Police Station Chhainsa, Faridabad (Haryana), whereby the petitioner has been implicated with the allegations of being one of the perpetrators alongwith his co-accused-Manoj son of Gajendra, who fired shot at the complainant.

[2] Learned counsel for the petitioner submits that the investigation in the present case stands concluded with the filing of challan and the petitioner is in custody since 06.07.2023.

[3] On the other hand, learned State counsel vehemently opposes the prayer while submitting that the petitioner was main instigator at whose asking the co-accused-Manoj son of Gajendra fired a shot at the victim /

complainant, namely, Ishwar and thus, he does not deserve the concession of regular bail.

[4] I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submissions made by learned counsel for the petitioner.

[5] In the present case, the petitioner is in custody since 06.07.2023 and investigation stands concluded with the filing of challan. On an earlier occasion, an FIR No.67, dated 06.03.2023, under Sections 148, 149, 323, 506 & 379-B of IPC and 25 of Arms Act, Police Station Chhainsa, District Faridabad, was even got registered at the instance of petitioner against complainant herein, namely, Ishwar and thus, the present FIR appears to be an offshoot of previous conflict between the parties. Moreover, the role of petitioner being that of an instigator is yet to be established during trial, he being not the person to shot fire at the victim.

[6] In view of the above, but without commenting upon merits of the present petition, the same is **allowed**. The petitioner is ordered to be released on bail subject to his furnishing adequate bail bonds / surety bonds to the satisfaction of the Trial Court/Illaqa Magistrate/Duty Magistrate concerned.

[7] However, in case the petitioner indulges himself in similar kind of activity, the prosecution shall be at liberty to seek cancellation of the bail granted in favour of the petitioner in the present case.

**December 11, 2023**

*'dk kamra'*

**( HARKESH MANUJA )  
JUDGE**

|                                  |               |
|----------------------------------|---------------|
| <i>Whether Speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether Reportable</i>        | <i>Yes/No</i> |