

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

**CRM-M-63882-2023
DECIDED ON: 22.12.2023**

ROHIT

.....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL.

Present: Mr. Kuldeep Singh Siwach, Advocate for the petitioner.

Mr. Karan Jindal, AAG, 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 is stated to have been recovered from the present petitioner.

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 13.12.2022; co-accused Deepu @ Deepak, to whom a similar role had been assigned, has been granted bail by this Court vide order dated 01.12.2023 passed in **CRM-M-58839-2023** (Annexure P-2); despite the final report under Section 173 Cr.P.C. have been submitted long back, the trial has not progressed and the matter is still pending for framing of charges; the 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. As per the custody certificate, the petitioner is in custody for 01 year and 09 days.

5. On the other hand, learned counsel representing the State of Haryana has opposed the bail petition. Learned counsel submits that a motorcycle has been recovered from the petitioner. He further submits that if the petitioner is released on bail, he may try to influence and threaten the witnesses and may also abscond. Learned counsel has, however, not been able to deny that the case of the petitioner is at par with that of co-accused Deepu @ Deepak who was released on bail by this Court vide order dated 01.12.2023.

6. Having heard learned counsel for the parties, this Court is of the considered opinion that the petitioner deserves to be released on bail. It is an admitted fact that the first bail application of the petitioner was dismissed by this

Court on 31.05.2023. However, thereafter, despite 06 months having lapsed, the trial has not made any progress and the matter is still posted for consideration for framing of charges. It is also an admitted fact that the petitioner was not present at the sport 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. Since, he has already undergone a custody of 01 year and 09 days, co-accused Deepu @ Deepak to whom a similar role had been attributed to him, has already released on bail by this Court, trial will still take a sufficiently long time, 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.

22.12.2023
Prince Chawla

(VIKRAM AGGARWAL)
JUDGE

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