

2024:PHHC:014088
2024:PHHC:014090

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

219 (02 cases)	CRM-M-1405-2024
Amit Kumar @ Amit Singh @ Shooter	Petitioner
Vs.	
State of Haryana	Respondent
	CRM-M-47423-2023
Ravi @ Tejpal	Petitioner
Vs.	
State of Haryana	Respondent

Date of Decision.:01.02.2024

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. T.S. Sullar, Advocate for
the petitioner in CRM-M-1405-2024.

Mr. Aman Godara, Advocate for
the petitioner in CRM-M-47423-2023.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J. (ORAL)

The petitioners are seeking regular bail by way of these petitions filed under Section 439 Cr.P.C in case FIR No.219 dated 22.02.2020 registered under Sections 307, 379-B, 511, 34 of the IPC & Section 25 of Arms Act (Sections 395, 397 of the IPC were added later on and Sections 307, 34 of the IPC were deleted later on) registered at Police Station City Thanesar, District Kurukshetra.

2. This is the 3rd petition qua petitioner Amit Kumar @ Amit

**CRM-M-1405-2024 with
CRM-M-47423-2023**

**2024:PHHC:014088
2024:PHHC:014090**

Singh @ Shooter. The earlier two petitions were dismissed as withdrawn as per details in para No.23 of the petition.

3. As per prosecution allegations, on 21.02.2020, complainant Rakesh Kumar Sharma was going towards his house in a car. He stopped the car near Dronacharya Stadium, when 4 persons with muffled faces waylaid him on the pretext of asking some way. As complainant was telling them way to Sector-7, one of the persons tried to snatch the keys of the car. Two other persons came out of the car and aimed revolver towards complainant and asked him to hand over the keys. As complainant opposed, those persons fired upon him so as to cause his death and to snatch the car. Complainant suffered two bullet injuries in his left leg. During investigation, petitioners were arrested.

4. Learned counsel for the petitioners contends that complainant of the case Rakesh Kumar has not supported the prosecution version regarding the identity of the petitioners. Learned counsel has drawn attention towards testimony of said Rakesh Kumar made during trial, copy of which is Annexure P-2 in which he clearly stated that accused present in the Court (referring to the petitioners), could not be identified by him as the persons responsible for the incident had muffled their faces with cloth.

5. Learned counsel further contends that the petitioners are in custody for the last more than 03 year and 04 months; that trial may take time to conclude and so, they be allowed regular bail.

6. On the last date of hearing i.e. 12.12.2023, it was informed by

CRM-M-1405-2024 with
CRM-M-47423-2023

2024:PHHC:014088
2024:PHHC:014090

learned State counsel in CRM-M-47423-2023 that out of 13 witnesses cited by the prosecution 12 had already been examined. However, learned counsel for the petitioner has shown to this Court, copy of the final report under Section 173 Cr.P.C. revealing that there are as many as 28 prosecution witnesses. Thus trial may take long time to conclude.

7. Custody certificate further reveals that petitioner Ravi @ Tejpal is in custody for the last 03 years 05 months and 20 days, though he is involved in three other cases. As far as petitioner Amit Kumar @ Amit Singh @ Shooter is concerned, he is in custody for the last 03 years 04 months and 26 days, though he is involved in number of other cases.

8. Having considered submissions of both the sides and also the custody period of the petitioners and the fact that trial may take long time to conclude and also taking into account the statement made by the complainant of the case during trial, but without commenting anything further on the merits of the case, both the petitions are allowed and petitioners are admitted to bail on their furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

February 01, 2024

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No