

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

225

Date of decision : 25.01.2024

1. CRM-M-2967-2024

Jitender @ Lambu Petitioner

versus

State of Haryana Respondent

2. CRM-M-2995-2024

Piyush @ Baniya Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Rohit Mittal, Advocate for
for the petitioner in both cases.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

1. Present petitions have been filed under Section 439 Cr.P.C.
for grant of regular bail to the petitioners in case bearing FIR No.44
dated 31.10.2022, registered for the offences punishable under Sections
148, 149, 341, 307 and 120-B of IPC Sections 25-54-59 of Arms Act at
Police Station Model Town, District Rewari.

2. As per the contents of the FIR, it was alleged as under:-

“To, the Station House Officer, Police Station
Model Town. Sir. It is requested that today on dated
31.01.2022, I along with my friend Deepak @
Bhura son of Karamvir resident of Sector 4 Rewari

were on blue colour Triber Car No. HR36AG5044 and it was being driven by Ishan son of Employees Colony, Mohit Sharma resident of Garhi Bolini. It will be around 3 Pm when we reached just ahead of IOCL Society, Dhaliawas Chowk. One motorcycle Splendor Plus No. HR36AE4535 whereon Dhiren was sitting and I do not know the name of the person who was sitting in the middle on the motorcycle. They were armed with weapons. They brought their bike ahead of our car and in the meantime, from the back side, two white colour cars came at a very high speed. First of all Sumit Rathi son of Rajender resident of Chandpur alighted from the car and started firing and three four bullets hit at the car. Sumit fired at me which hit near my left eye and it has caused minor injury and the bullet passed from nearby. Then Sumit Rathi has done firing at Deepak Bhura who was sitting along side the driver seat and fired at his left thigh, left side stomach and one fire hit at his left shoulder. Sumit Rathi was accompanied by Hansu Hans Raj Gujjar, Umesh # DU, Tilu Gurjar, Varun Poswal and Sanjay Rathi in the car. Tilu Gurjar, Hansu Gurjar and DU Gurjar were also armed with weapons. They have also done firing and some bullets hit at the car and some bullets passed through without hitting. Number of empty cartridges were lying on the spot. Sumit Rathi, Hansu Gurjar, DU Gurjar, Dhiren and two others Tilu Gurjar, Varun Postal, Sanjay Rathi have first stopped us on the way with their motorcycle and then done firing with intention to kill me and myfriend Deepak @ Bhura. They had left the motorcycle on the place of occurrence and ran away

on the car. While going away, they have given threat that they will kill us if we will lodge complaint in the police. Kindly legal action may kindly be taken against them. I am admitted in Pushpanjali Hospital for treatment. I have presented my application. Reason behind the grudge is pre-existing dispute.”

3. Counsel for the petitioner(s) submits that the investigation stands concluded and the trial has proceeded. The material witnesses stand examined and the complainant has not supported the case of the prosecution. Further relies upon order dated 14.12.2023 passed in CRM-M-49911-2022, whereby main accused Sumit Rathi stands admitted to bail. Further submits that the petitioners have not been named in the FIR, but have been robed in on the basis of disclosure by the co-accused while in police custody.
4. State counsel is not in a position to dispute the aforesaid fact.
5. In view of above, present petitions are allowed. Petitioners are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.
6. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.
7. A photocopy of this order be placed on the file of other connected case.

(PANKAJ JAIN)
JUDGE

25.01.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No