

CRM-M-3596-2024
Date of Decision: 25.04.2024

UDHAM ALIAS BANSI
....Petitioner

VERSUS

STATE OF HARYANA
....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. R.K. Choudhary, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.183 dated 10.03.2023 registered for the offences punishable under Sections 285, 307, 452, 506 and 34 of IPC at Police Station Camp Palwal, District Palwal.

2. The allegations in nutshell are that complainant Parveen Kumar lodged complaint with the police against the present petitioner to the effect that Sundar received phone call from his wife Anita wherein she informed him that present petitioner and one another boy trespassed into their house and fired shot in air. That they also fired another shot with intention to kill Anita and they also asked whereabouts of Parveen from her and that thereafter both of them fled away from their after giving threats. During investigation of the case petitioner was arrested on 18.03.2023.

3. Counsel for the petitioner submits that petitioner is falsely implicated in the present case at the instance of the complainant who did not witness the alleged occurrence. It is further submitted that this is a no injury case as no one sustained injuries at the time of alleged occurrence. It is further submitted that recoveries are already effected in the present case and petitioner is behind the bars for last more than 1 year and 1 month and it will take considerable time for the trial to conclude. It is further submitted that petitioner is already granted bail by Co-ordinate Bench of this Court in one another criminal case registered against him under Section 302 IPC vide order dated 19.05.2022 and copy of the same is taken on record.

4. Status report by way of an affidavit of Dinesh Kumar, Deputy Superintendent of Police, Palwal, District Palwal filed on behalf of the State is taken on record along with copy of disclosure statement suffered by petitioner as Annexure R-1.

5. Present petition is resisted by the State counsel, who submits that petitioner is the main accused who fired two shots out of which one shot was aimed at Anita with intention to kill her but the same missed the target. The State counsel further submits that petitioner is also involved in a murder case having FIR No.192 dated 21.03.2019. However, the State counsel on instructions from SI Shashi Prakash has not disputed the fact that petitioner is incarcerated for the last more than 1 year and 1 month and till date no prosecution witness is examined out of total 18 witnesses.

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

7. Admittedly, no one sustained injuries at the time of occurrence. The weapon used in commission of crime is already stated to have been recovered during investigation of the case at the instance of petitioner who is in custody for the last more than 1 year and 1 month and is already released on bail in the another case faced by him under Section 302 IPC, as is apparent from order dated 19.05.2022 passed in CRM-M-15107-2022. It will take time for the trial to terminate as till date prosecution is unable to examine even a single witness. In the given circumstances, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

8. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

25.04.2024

Priyanka Thakur

**(KARAMJIT SINGH)
JUDGE**

1. Whether speaking/reasoned:	Yes/No
2. Whether reportable:	Yes/No