

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

204

CRM-M-4944-2024 (O&M)
Date of Decision:20.03.2024

Virender Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Balraj Gujjar, Advocate for the petitioner.

Mr. Samarth Sagar, Addl. A.G. Haryana.

Mr. Rajesh Bansal, Advocate for the complainant.

JASGURPREET SINGH PURI J.(Oral)

1. The present is a second petition filed under Section 439 Cr.P.C.for grant of regular bail to the petitioner in case FIR No.588 dated 19.08.2019 under Sections 302, 452, 506, 201, 120-B and 34 of IPC and Section 25 of Arms Act, registered at Police Station Assandh, District Karnal.

2. Learned counsel for the petitioner submitted that the petitioner is in custody for about 04 years and 04 months and till today only two witnesses including the complainant has been examined. He further submitted that trial could not commence because of the filing of the application under Section 319 of Cr.P.C. by the prosecution for summoning of other accused persons. He further submitted that the petitioner was not named in the FIR and his name was nominated on the basis of disclosure statement made by the co-accused. He further submitted that the allegations in the present case are that the petitioner alongwith two other

co-accused persons had come to the house of the complainant and as per the allegations, the petitioner had fired upon the son of the complainant. He further submitted that the trial in the present case is not commencing and other co-accused persons have already been granted the benefit of regular bail by a Coordinate Bench of this Court and, therefore, the petitioner deserves the concession of regular bail.

3. On the other hand, learned State counsel submitted that so far as the parity of the petitioner with other co-accused is concerned the same is not available to the petitioner in view of the fact that it is a case where three persons had gone to the house of the complainant and the petitioner had fired upon the son of the complainant whereas the other co-accused persons were accompanying the petitioner and therefore in view of the role attributed to the petitioner as compared to the other co-accused persons is not the same. He further submitted that the petitioner is involved in one more case under the Arms Act. He further submitted that considering the seriousness and gravity of the offence and role attributed to the petitioner, he does not deserve the concession of regular bail. He also submitted that considering the facts and circumstances of the present case and on the basis of the material available, there is an apprehension that in case the petitioner is released on bail then he may abscond or flee from justice or may influence the witness or may tamper with the evidence.

4. Mr. Rajesh Bansal, Advocate, has caused appearance on behalf of the complainant and has filed his Power of Attorney. Learned counsel for the complainant has stated that according to his information, the petitioner is involved in one more case under Section 302 of IPC but the details are not known to him. He further submitted that it is a case where

as per the FIR, the person who was wearing *Kurta Payjama* had fired upon the son of the complainant and during investigation it was found that petitioner was wearing the *kurta payjama* and he had actually fired upon the deceased.

5. I have heard learned counsel for the parties.
6. The custody of the petitioner is about 04 years and 04 months.
As per the learned State counsel, the petitioner is involved in one more case under the Arms Act and as per the learned counsel for the complainant, the petitioner is involved in one more case under Section 302 IPC. Be that as it may the role attributed to the petitioner in the present case was that he had fired upon the deceased although there were two more persons alongwith the petitioner. Therefore, argument raised by learned State counsel that he is not at parity with the other co-accused who have been granted benefit of bail, seems to be just and proper. This Court does not wish to make any observation on the merits of the case but only for the purpose of considering the prayer made in the present petition, this Court is of the considered view that considering the seriousness and gravity of the offence, the petitioner does not deserve the benefit of regular bail.
7. The present petition is hereby dismissed.
8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petitions only.

(JASGURPREET SINGH PURI)
JUDGE

20.03.2024
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No