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

CRM-M-7551-2024 (O&M)

Date of decision : 15.10.2024

Anurag @ Monu

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. L.M. Gulati, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, A.A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner under Section 439 Cr.P.C. praying for grant of regular bail in case FIR No.207 dated 22.08.2023, under Sections 307, 506, 34 and 120-B IPC and Sections 25/27/30 of Arms Act 54 of 1959, registered at Police Station Sadar Kanina, District Mahendergarh, Haryana.
2. Succinctly the facts of the case are that the complaint was lodged by the complainant, namely, Satyawan, wherein it was alleged that on 21.08.2023, he, Harish and Sandeep all three were coming on a motorcycle then Harish received a phone call from Anurag Garg @ Monu (present petitioner) for settling the account and to meet them at the Highway 152-D. All of them reached there at around 9.15 PM at night. On meeting there, Anurag took out the pistol from the pocket of his trousers and pointed towards Harish and thereafter threat was also given to them. He further alleged that Anurag fired the bullet with intention to kill Harish which hit near his neck and thereafter all of them ran away. They shifted the injured to the Govt. Hospital Kanina. Request was made to take the legal action against the accused persons and FIR was



registered. On registration of FIR, the investigation commenced. The injured was got medically examined. On completion of the investigation, challan was presented. The petitioner was arrested on 24.08.2023. Thereafter, petitioner approached the Court of Learned Additional Sessions Judge, Narnaul praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Ld. Additional Sessions Judge, Narnaul vide order dated 04.01.2024. Aggrieved by the same, the petitioner approached this Court praying for grant of bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in this case. He submits that complainant as well as the victim, both were medically examined and there are material contradictions in their depositions. He submits that in view of the material contradictions, the authenticity of the allegations made in the FIR has become seriously doubtful. It is submitted that the co-accused has already been granted the concession of bail by this Court vide order dated 01.02.2024 passed in CRM-M-205-2024. It has been submitted that the petitioner has no criminal antecedents and once the material witness already stands examined, there is no apprehension that the petitioner can tamper with the prosecution witnesses. He submits that in the overall facts and circumstances, the petitioner deserves the concession of bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He, on instructions from SI Gunpal, has submitted that the injured and the other eye-witnesses have duly supported the case of the prosecution. There are specific allegations against the petitioner that he fired upon the victim-Harish. However, he has submitted that out of total 15 prosecution witnesses, 07 witnesses have been examined. He submits that as per the custody certificate, the petitioner is not involved in any other case.



5. Heard. On hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested on 24.08.2023. The co-accused of the petitioner is already enlarged on bail. Out of total 15 prosecution witnesses, 07 witnesses including the material witness, have been examined. The custody certificate produced by the learned State counsel would reflect that the petitioner is not involved in any other case.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

15.10.2024
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(RAJESH BHARDWAJ)
JUDGE

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