

MANOJ KUMAR ALIAS RINKU
VERSUS
STATE OF HARYANA

CRM-M-8603-2024
Date of Decision: 04.03.2024
....Petitioner
....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Divyam Singh Dhakla, Advocate
for the petitioner.

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. 486 dated 31.08.2023 registered for the offences punishable under Sections 307, 34, and 201 of IPC and Sections 27 and 30 of Arms Act at Police Station Industrial Sector-29, District Panipat.

2. The allegations in nutshell are that at the time of occurrence present petitioner fired pistol shot which hit Rahul and caused injury to him and the FIR in this case was registered on the basis of statement of complainant Ajay who also witnessed the said occurrence. During investigation, the petitioner was arrested on 11.09.2023.

3. Counsel for the petitioner submits that the petitioner was falsely implicated in the present case and is in custody for the last more than 5 months and is having no criminal history and during trial injured Rahul and complainant Ajay have not supported the case of prosecution and stated that the weapon was accidentally fired and copies of the depositions are Annexure P-1 and Annexure P-2. He further submits that in the given circumstances, no gainful purpose is going to be served by keeping the petitioner behind the bars for any longer period.

4. Notice of motion.

5.

Mr. Viney Phogat, DAG, Haryana accepts notice on behalf of the State and while resisting the present petition submits that there are specific allegations against the petitioner that he caused firearm injury to PW-1 Rahul at the time of occurrence. State counsel further submits that the weapon used in commission of crime was also recovered during the investigation of the case, at the instance of present petitioner who is in custody for the last more than 5 months. However the State counsel has not disputed the fact that during trial injured Rahul and complainant Ajay appeared in the witness box and copies of their testimonies are Annexure P-1 and Annexure P-2.
6.

From the perusal of Annexure P-1 and Annexure P-2, it appears that both the material witnesses while appearing in the witness box said that the present petitioner had not fired any shot and rather shot was accidentally fired.
7.

As per custody certificate, the petitioner is in custody for the last more than 5 months and is having no criminal antecedents. It will take considerable time for the trial to conclude.
8.

In the given circumstances, no useful purpose is going to be served by prolonging the judicial custody of the petitioner for any longer period.
9.

In light of the above, without expressing any opinion 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.