

S. No.299

2024:PHHC:055670

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

CRM-M-12798 of 2024

Date of Decision:24.04.2024

Harender

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Akshay Jindal, Advocate for the petitioner.

Mr. Randhir Singh, Addl. AG, Haryana.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.203 dated 01.05.2023 registered under Sections 148, 149, 307, 506, 120-B IPC and Section 25 of Arms Act at Police Station Ganaur, District Sonapat.

This is the third petition moved by the petitioner for seeking bail. Earlier two bail petitions were dismissed as withdrawn as evident from order dated 05.02.2024 (Annexure P.7) in CRM-M-3049 of 2024 and order dated 20.12.2023 (Annexure P.8) in CRM-M-56085 of 2023 passed by this Court.

As per prosecution allegations, firing incident took place on 01.05.2023 as per the information received in the control room. Police party reached the spot. Som Dutt made a complaint as per which his wife Poonam Devi was Sarpanch at that time; that 140-150 acres of Panchayati land was to be auctioned on 03.05.2023; and that on 27.04.2023, Harender (present petitioner), Jitender and their father- Satpal had threatened the complainant not to auction the Panchayati land as they will cultivate the same otherwise they should be paid ₹10

lakhs. The threat was not taken seriously. It is alleged that on 01.05.2023 at 05.30 PM, when complainant along with his other family members were standing in the street, petitioner along with Jitender, Satpal, Priyanka and 3-4 other persons got down from the car. Further allegation is that petitioner along with Jitender for the purpose of killing the complainant fired upon him. All of them jostled with the complainant, beat him up and fired 8-10 rounds of shots.

Learned counsel contends that the petitioner has been falsely implicated; that Jitender, Priyanka and others who were also named in the FIR, just like the petitioner, were found innocent during investigation. It is also contended that petitioner and seven others were challaned and except the petitioner, all others have since been allowed bail. Learned counsel further contends that no one was injured in the alleged incident.

Status report by way of affidavit of Shri Gorakh Pal, HPS, Assistant Commissioner of Police, Ganaur, Sonipat has been filed on behalf of the respondent- State along with the custody certificate.

Learned State Counsel concedes the fact that no one was injured in the alleged incident. Learned State Counsel could not convince as to on what basis Jitender has been declared innocent despite the fact that allegations against the petitioner and Jitender are similar.

The custody certificate reveal that the petitioner is in custody for the last 07 months and 03 days though he is involved in four other cases.

Learned State Counsel also informs that although the challan has been filed but charges are yet to be framed, thus, trial is likely to take long time to conclude.

Having regard to all the afore-said facts and circumstances of the case, but without commenting anything further on the merits of the case, the present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate, on usual terms and conditions.

April 24, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No