



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-12993-2024

Date of Decision:-28.08.2024

Priyanshu @ Bharat.

.....Petitioner.

Vs.

The State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Abhimanyu Singh, Advocate for the Petitioner.

Mr. Karan Garg, Assistant Advocate General, Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.276 dated 19.07.2023 under Section 307, 506, 509, 120-B IPC and sections 25(1B), 27(1) of the Arms Act, 1959 (Section 120-B IPC has been added later on) registered at Police Station Bilaspur, District Gurugram, Haryana.

2. The present FIR came to be registered on the statement of Namrata @ Babli and reads as under:-

“ To SHO, Police Station Bilaspur, Gurgaon. Sir, it is submitted that I am Namrata @ Babli wife of Dharmender is resident of Bichla Mohalla, Village Sidhrawali, Tehsil Manesar, District Gurugram. I am a household lady. Today on dated 19.02.2023 in afternoon at around 2 pm, I and my mother-in-law Ramrati were present at our house. Main door of our house was left open. I was lying inside the room. Suddenly one boy entered our house and he started abusing my



mother-in-law and started using filthy language against her. After hearing noises, I came out of my room and then I saw that one boy who was having one pistol in his hand and when I asked him who is he and asked him what happened then he suddenly fired shots towards me by the said weapon which he was carrying in his hand. The said gunshot had hit on the door of the room and I was rescued very closely. After firing gunshot, the said boy after raising the said pistol, which he was carrying, ran away from the house by saying that today you have been rescued but next time, I will kill the entire family. After hearing the noise of gunshot, my sister Tamanna @ Munni who is living in the adjacent house came there and other neighbours also came to our house and I had informed other family members about the incident through phone. I can identify the boy who has fired the shot if he will be produced before me. Kindly take string legal action against unknown boy and kindly protect us and protection may kindly be given to us. Dated 19.07.2023. Sd/ Namrata Applicant Namrata @ Babli wife of Sh. Dharmender, resident of Village Sidhrawali, Tehsil Manesar, Gurugram. Mobile No.9467117225."

3. During the course of the investigation one Yudhishter (since granted bail vide order dated 28.05.2024 in CRM-M-17436-2024) was apprehended who is stated to have fired at the complainant party while the petitioner was standing outside.

4. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He has been named in the disclosure statement of his co-accused who had been granted the concession of bail. As he was a first time offender, in custody since 15.11.2024 and none of the 30 Pws had been examined so far, the trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

4. The Counsel for the State on the other hand has filed reply by way of affidavit dated 27.08.2024 of Mr. Sukhbir Singh, HPS, Assistant Commissioner of Police, Pataudi, Gurugram in the court today, which is



taken on record. While referring to the said reply he contends that the nature of the allegations levelled against the petitioner did not entitle him to the grant of bail. He however, concedes that the petitioner was a first time offender, in custody since 15.11.2024, none of the 30 Pws had been examined so far and that main accused Yudhishter had been granted the concession of bail.

5. I have heard the learned counsel for the parties.
6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is a first time offender, in custody since 15.11.2024 and that none of the 30 Pws have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. Further the co-accused Yudhishter has been granted the concession of bail. In this situation the further incarceration of the petitioner is not required.
8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Priyanshu @ Bharat** son of Sh. Joginder is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.
9. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 28, 2024
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>