



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

219

CRM-M-14660-2024

Date of decision: 07.11.2024

Sandeep

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Dr. Pankaj Nanhera, Advocate
for the petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.329 dated 27.04.2023 under Sections 147, 149, 307, 323, 506 of the IPC and Section 25 of the Arms Act, 1959 registered at Police Station HTM, District Hisar.

2. Learned counsel for the petitioner inter alia contends that the FIR was registered at the instance of brother of injured Rahul, however, as per the admitted case of the prosecution itself, complainant Bijender was not a witness to the occurrence in question; furthermore, although the petitioner was alleged to be armed with a firearm with which he fired towards the leg of injured Rahul, however, during investigation, no grain of truth was found in those allegations of petitioner having fired towards injured Rahul; rather it came to light that all the firearm injuries had been caused by co-accused Vijay.

Learned counsel submits that after the petitioner was arrested on



CRM-M-14660-2024

29.04.2023, the trial had been proceeding at a considerably slow pace as till date only 04 prosecution witnesses out of the 14 cited, had been examined and hence, there was no likelihood of the trial concluding in the near future. In addition, it has also been argued by the learned counsel that although the petitioner has been falsely implicated in the instant case, however, even assuming for the sake of arguments, that the petitioner was indeed present along with the co-accused at the relevant time, the only role which could be attributed to the petitioner, in the light of the conclusions drawn by the investigating agency themselves that the petitioner had not used any firearm, would be only of physically assaulting the injured. A prayer has, therefore, been for enlarging the petitioner on bail.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Balwant, has not disputed the factual aspect of the submissions made by the counsel opposite particularly with respect to the investigating agency not finding any substance in the allegations levelled against the petitioner of having fired towards the leg of injured Rahul. It has also not been disputed by the learned State counsel on instructions that the complainant was not an eye witness to the occurrence in question. Learned State counsel on further instructions has not disputed the custody period of the petitioner as well as the stage of trial. Learned State counsel, however, submits that even though all the firearm injuries even as per investigation were caused by co-accused Vijay, however, the petitioner was part of the unlawful

CRM-M-14660-2024

assembly which attacked injured Rahul.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has been in custody since 29.04.2023. Till date, only 04 prosecution witnesses out of the 14 cited, stand examined. The possibility of the trial, therefore, concluding in the near future seems unlikely, moreso, when this Court has been apprised that an application under Section 319 of the Cr.P.C. has since been moved by the prosecution for summoning of 05 additional accused. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

07.11.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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