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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15426-2024
Date of decision : 04.04.2024

NAKULPetitioner

Versus

STATE OF HARYANARespondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Ankit Chahal, Advocate for the petitioner.

Mr. A.K. Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.459 dated 01.07.2022 registered for the offences punishable under Sections 307 and 34 of the Indian Penal Code, 1860 & Section 25 of the Arms Act, 1959 (to which Sections 120-B & 216 of IPC, 1860 and Section 27 of Arms Act, 1959 added later on) at Police Station Rohtak City, District Rohtak, Haryana.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. FIR was registered at the behest of one Jaipal Panchal son of Bhim Singh, who alleged as under :

“xxx that I, Jaipal Panchal son of Shri Bhim Singh, am resident of Ramraj Nagar, Rohtak and do work of property dealing. About two months back, Lokesh alias Gogi Rogue had demanded a ransom of Rs.1.00 crore and on not giving money, had threatened to kill,

regarding which I have got FIR No.264/22 registered in Police Station City. Today on dated 1.07.2022 in the evening I was sitting outside my house in Ramraj Nagar, Rohtak, at some distance from me, my car FORTUNER HR 12AQ 0077 of white colour was standing. At about 5.00 PM, from the street opposite to my house, two unknown boys on a motorcycle, one was wearing Helmet and the boy sitting behind had put Mask, had come. The boy sitting behind was having pistol in his hand. On coming nearby both the boys parked the motorcycle at some distance and fired upon me with intention to kill me, which by not hitting me, hit in my Fortuner car. I while running came behind car, then both the boys continuously fired towards me, which by not hitting me, hit in my car. My Gunman Surender Haveldar, my companion Sandeep Dangi, Deepak Yadav, Mukander Singh PSO Manjit PSO, who were sitting with me in the house under construction, on hearing noise of fire and my voice of Bachao, had come to me while running. On seeing them, both the unknown boys after riding on their motorcycle, fled away towards Gohana Bypass. We chased the motorcycle upto some distance. On account of hitting bullet in the tyre of our car, the motorcycle could not be caught. After this we intimated the police. I am fully sure that Lokesh alias Gogi Rogue on not fulfilling his demand of ransom, while keeping revenge, got fired on me from his accomplices with intention to kill me. Legal action may be taken against Lokesh alias Goti and his accomplices. Applicant Sd/- Jaipalxxx”

4. Counsel for the petitioner submits that the petitioner is behind bars for more than 1 year, 7 months and 28 days. Further submits that its a case of no injury. Petitioner was not named in the FIR and there is no incriminating evidence to link the petitioner with the alleged main accused Lokesh alias Gogi. Investigation already stands concluded, challan stands presented and despite the fact that the petitioner is behind bars for almost 1

year and 8 months even the charges have not been framed till date. Thus, the trial is not likely to conclude in the near future.

5. State Counsel is not in position to dispute the factual assertions made by counsel for the petitioner based on record. However, he submits that pistol was recovered on the statement made by the petitioner and the same has matched as per the ballistic report. He further submits that the petitioner has another criminal case i.e. FIR No.118/2021 dated 1st of March, 2021 registered at Police Station Shivaji Colony, Rohtak, pending against him.

6. I have heard counsel for the parties and have gone through records of the case.

7. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that it is a case of no injury and considering that the trial is not likely to conclude in the near future as even the charges could not be framed till date, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

April 04, 2024
Dpr

(Pankaj Jain)
Judge

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