



CRM-M-22564-2024 #1#

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

Date of Decision:-23.09.2024

CRM-M-22564-2024

Satpal.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

2

CRM-M-151-2024

Devender @ Bhola.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

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

Present:- Mr. Gautam Dutt, Advocate for the Petitioner
(in CRM-M-22564-2024).

Mr. Deepender Singh, Advocate for the Petitioner
(in CRM-M-151-2024).

Mr. Ashok Chaudhary, Addl. AG Haryana.

Mr. Ritesh Tomar, Advocate for the Complainant.

JASJIT SINGH BEDI, J.(ORAL)

By this common order I shall dispose of both the
aforementioned petitions as the same have arisen out of one and the same



FIR.

2. The Prayer in these petitions under Section 439 Cr.PC is for the grant of regular bail in case FIR No.61 dated 16.02.2023 under Section 307, 341, 201, 34 IPC and Section 25 of Arms Act, 1959 registered at Police Station Ballabhgarh, District Faridabad, Haryana.

2. The present FIR came to be registered at the instance of Rajbir son of Ishwar Singh who stated that he was an agriculturist. On 16.02.2023, he along with his son Vinit were going towards Village Gadkheda on a motorcycle being driven by Vinit. When they reached near Diwan Farm House, then Bhola (petitioner in CRM-M-151-2024) son of Satish and Rahul @ Leele (granted bail vide order dated 18.10.2023 passed in CRM-M-52076-2023) son of Rajendra residents of Village Gadkheda were already standing there. They (accused) stopped them (complainant party). Rahul caught hold of his son Vinit and Rajender caught hold of him (complainant). At the same time, a Toyota Car came to the spot along with Satpal (petitioner in CRM-M-22564-2024) son of Tuhi Ram and Rajendra (granted bail vide order dated 03.08.2023 passed in CRM-M-36793-2023) son of Het Lal. Bhola was having a country-made pistol in his hand. Satpal took the pistol from Bhola and shot at him (complainant) with an intention to kill and the bullet struck his left arm and another shot struck his thigh. Then Bhola took the country-made pistol from Satpal and shot at his son Vinit hitting his right leg. Thereafter, the accused ran away from the spot.

3. The learned counsels for the petitioners contend that the complainant-Rajbir was examined as PW-1 and his son Vinit as PW-6. None of them had supported the case of the prosecution. As the petitioners were in custody since March 2023 but only 06 of the 29 prosecution witnesses have been examined so far, the Trial of the present case was not



likely to be concluded anytime soon and therefore, they were entitled to the concession of bail.

4. The Counsel for the State on the other hand contends that as per the allegations the accused fired at the complainant. The recovery of a danda was effected from Satpal and country made pistol from Devender @ Bhola. The nature of the allegations leveled against the petitioners did not entitle them to the concession of bail. He however concedes that both the material witnesses have not supported the case of the prosecution, that the petitioners were in custody since March 2023 and that only 06 of the 29 prosecution witnesses had been examined so far.

5. The Counsel for the complainant does not dispute the factual assertion that the complainant and his son had not supported the prosecution case.

6. I have heard the learned counsel for the parties.

7. Admittedly, the two material witnesses have not supported the prosecution case. Whether the remaining evidence is sufficient to affix liability upon the petitioners shall be adjudicated upon during the course of the Trial. The petitioners are stated to be in custody since March 2023 but only 06 of the 29 prosecution witnesses have been examined so far. Therefore, the trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioners is not required.

8. Thus without commenting on the merits of the case, the present petitions are allowed and the petitioners-**Satpal** son of Sh. Tuli Ram and **Devender @ Bhola** son of Sh. Satish are ordered to be released on bail on their furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.



9. The petitions stand disposed of.

(JASJIT SINGH BEDI)
JUDGE

September 23, 2024
Vinay

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