

NARENDER ALIAS MEENU

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Rajat Sheokand, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

SANJIV BERRY, J.(ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Criminal Procedure Code for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
793	15.12.2022	307 IPC and 25 of Arms Act, (395,397, 120-B IPC added later on)	Gharaunda, District Karnal

2. Arguments heard.
3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the only allegation against the petitioner is that he had fired



from pistol but the fire had not hit anybody but struck the body of the car. He submits that the petitioner is in custody since 01.03.2023, after completion of investigation challan has since been presented in Court and possible recovery has already been effected from the petitioner. He submits that although the petitioner is having three more cases registered against him, in 2 cases he has been acquitted and in 1 he is on bail. He further contends that despite the petitioner being in custody since 01.03.2023 no witness has been examined by the prosecution till date. Hence he prays for grant of bail to the petitioner.

4. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail petition by arguing that the petitioner had fired from his pistol with an intent to kill the complainant, however admitted that no one was injured with the said fire. He, however, admitted that no witness has been examined till date by the prosecution and has also not disputed the fact that the petitioner has since been acquitted in 2 cases while in 3rd case he is on bail and facing trial.

5. After considering the rival contentions and perusing the record, it transpires that the instant case was registered on the statement of complainant to the fact that on 15.12.2022 he along his brother Vikas Chauhan and cousin Bhura Singh @ Shubham were going home at village Uchana then two motorcycle overtook their car and after crossing the toll plaza stopped the car and then those assailants on motorcycle followed them and stopped just ahead of the car. Feeling apprehension, the complainant had turned his car towards Gharaunda and in the meanwhile one of the biker fired shot which hit the windowpane of the car. Subsequently FIR was registered

and the petitioner was arrested on 01.03.2023, challan has already been presented in Court. Admittedly, no injury was sustained by the complainant or any body else from the said firearm shot. It is also not disputed that the petitioner is having 3 more cases registered against him, whereas in 2 cases he has already been acquitted and in 1 he is on bail and facing trial. Prosecution has cited 22 witnesses but has not examined even a single witness till date. In this manner, the conclusion of trial, to ascertain criminal liability, if any of the petitioner in the present case, will take sufficient long time.

6. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

03.10.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |