



**216 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-M-26418-2024**

**Date of Decision: May 29, 2024**

**Umesh @ Bablu @ Joni**

**...Petitioner**

**Versus**

**State of Haryana**

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**

**Present:-** Mr. Mahavir Singh Sharma, Advocate for the petitioner.

**DEEPAK GUPTA, J.(Oral)**

By way of present petition under Section 439 Cr.P.C., petitioner prays for his release on regular bail in a case arising out of FIR No.252 dated 08.07.2023, under Sections 34 and 307 of IPC, besides Sections 25, 27 & 30 of the Arms Act, 1959, registered at Police Station Sadar, Sonipat, District Sonipat.

2. Learned counsel for the petitioner contends that attribution to have caused fire arm injury is to co-accused Sachin and not to the petitioner. Learned counsel has drawn attention towards the testimony of injured Shamsher @ Sheru (Annexure P-2) made during trial, in which he specifically testified that it is Sachin, who took out the revolver from his pants and then fired towards him (Shamsher @ Sheru). The witness had specifically deposed that Sunil and Umesh (petitioner) were not present and were not involved in any manner.

3. Notice of motion.

4. Mr. Sumit Jain, Addl. A.G., Haryana accepts notice on behalf of respondent-State.

5. Learned State counsel has opposed the bail petition by submitting that as per investigation, it is the weapon of the petitioner, which was used in the crime.

6. Heard.

7. As per the statement of injured made during trial, petitioner was not present at the spot. Even if, his weapon was used in committing the crime, it will be a moot point as to whether he will be responsible for the commission of crime under Section 307 IPC.

8. As per the order dated 16.05.2024 (Annexure P-3) passed by learned Addl. Sessions Judge, Sonipat, petitioner is in custody since 26.09.2023, i.e. for the last more than 08 months. The trial is likely to take long time to conclude.

9. Considering all the aforesaid facts and circumstances, but without commenting anything further on the merits of the case, petitioner is admitted to bail. He is ordered to be released on bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

Allowed.

**May 29, 2024**

sarita

**(DEEPAK GUPTA)**

**JUDGE**

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No