



CRM-M-26917-2024

-1-

(224)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26917-2024

Date of Decision: 31.07.2024

HARPREET @ PREET @ HARPREET SINGH

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Gaurav Mohunta, Advocate with
Mr. Nishant Arora, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.463 dated 01.12.2022 registered under Sections 307, 34, 212 IPC and Sections 25/54/59 of the Arms Act at Police Station Cheeka, District Kaithal.

2. The present FIR came to be registered at the instance of Govind Sharma son of Ram Niwas and the same reads as under:-

Statement of Govind Sharma son of Sh. Ram Niwas, resident of Lone, Police Station Gadhi, District Jind, aged 21 years (Mobile No.7404495276). Stated that I am resident of aforesaid address and am residing with my paternal aunt (Bua) namely Bala wife of Prem Chand, resident of Balbedha for the last 4-5 years and do the work of laying streets and putting earth with Hardeep, son of my paternal aunt. Today on 01.12.2022 at about 9.50 AM, I and Hardeep, son of my paternal aunt came from Balbedha on our car bearing No.HR-09F-0356 to City Cheeka for some personal work where we completed our work.



CRM-M-26917-2024

-2-

At around 12.00 PM, I and Hardeep went towards PRAMP Hospital, R-IV HUDA Cheeka, Hardeep was driving the car and I was sitting on the side seat. My brother Hardeep Singh was telling me that I and Ajay Kataria had some altercation sometime back over some issue. I already know Ajay Kataria. Thereafter, we stopped after about 500 meter ahead of PRMP Hospital. Around 12.40 PM, four young persons came on two motorcycles, out of them three boys had pistols in their hands and one boy was empty handed. One of the boys was Ajay Kumar son of Mahipal, resident of Bhagal, now residing at Mia Basti, Cheeka fired a shot with the pistol in his hand on the back of Hardeep, son of my paternal aunt with an intention to kill him. Immediately after Ajay Kataria fired a gunshot, two unknown boys also fired gunshots on Hardeep with an intention to kill him. One bullet hit Hardeep on his stomach, my brother Hardeep fell down on the ground, who again fired one gunshot. Upon seeing them, I got afraid and kept on standing on one side. Ajay Kataria and his three companions, assuming that my brother Hardeep has died, ran away from the spot with their respective pistols and motorcycles. I noted one motorcycle No.HR-09C-3599, the pillion rider of which was wearing red check shirt. The other motorcycle did not have a number plate but the pillion rider was wearing a green cap. I took my injured in the same car to CHC Guhla for treatment where doctor gave first aid to my brother and referred to him big hospital. Thereafter, I and my family members admitted my brother in Rajendera Hospital at Patiala where he is under treatment. I can identify the three unknown persons, if confronted. Ajay Kataria and three unknown boys have shot my brother Hardeep with an intention to kill him. Legal action be taken against Ajay Kataria and three unknown persons. I have recorded my statement before you with my free will and consent at Rajendra Hospital and the same is read over to me and is A correct. Sd/- Govind Sharma.

**CRM-M-26917-2024****-3-**

3. During the course of investigation, the supplementary statement of the complainant was recorded wherein he named the unknown persons as Malwinder @ Malli, Chinnu Cheeka and Harpreet @ Preet (petitioner). From the investigation it also transpired that the petitioner was driving motorcycle on which one of the assailants was a pillion rider.

4. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He had not been named in the FIR and no specific role had been attributed to him even in the supplementary statement of the complainant recorded seven days after the occurrence. It was the co-accused of the petitioner who had allegedly fired upon the injured. As the petitioner was in custody since 07.12.2022 but none of the 32 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

5. A reply dated 22.07.2024 by way of an affidavit of Kuldeep Beniwal, Deputy Superintendent of Police, Guhla has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. He contends that the petitioner was the driver of one of the motorcycles on which the assailants were travelling. He was well-aware of the purpose for which the assailants were going to the place of occurrence. Therefore, merely because no shot had been fired by the petitioner did not exculpate him for the offences in question. He, however, concedes that the petitioner was in custody since 07.12.2022 but none of the 32 of the prosecution witnesses had been examined so far.



CRM-M-26917-2024

-4-

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

7. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 07.12.2022 but none of the 32 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 petitioner is not required.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Harpreet @ Preet @ Harpreet Singh son of Balkar is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the Trial and inform in writing each time that he is not involved in any other crime other than the present case.

10. If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.

11. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial

2024:PHHC:097431



CRM-M-26917-2024

-5-

Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

12. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

31.07.2024

JITESH

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