

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.207

Case No. : CRM-M-38437-2023

Date of Decision : March 19, 2024

Sanjay Petitioner
vs.
State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Aman Pal, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

Mr. Hitesh Malik, Advocate
for the complainant.

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GURBIR SINGH, J. :

1. Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.87 dated 08.03.2022, under Sections 148, 149, 302 IPC, 1860 and Sections 25-54-59 of the Arms Act, registered at Police Station Julana, District Jind.
2. The case in question was registered on the statement of Jai Bhagwan who made statement that on 07.03.2022, at around 09:30 PM, when he was sitting in the office of liquor shop along with his cousin namely Dharmender @ Gabbu, Pradeep son of Dayanand came there and called Dharmender out. After some time, he heard noise of fighting from street. He rushed to see his cousin and found that aforesaid Pradeep, Sandeep, Vijay, Kala, Sanjay, Takdir and Naresh were beating Dharmender. The

complainant further stated that he tried to save his cousin Dharmender from all above said persons but suddenly, Pradeep fired from his pistol on Dharmender and Vijay also fired bullets from his weapon on Dharmender. Dharmender fell down on street due to injuries caused by bullets and all the aforesaid persons ran away from the spot. Dharmender died on the spot. The complainant informed his family members about the incident, who came on the spot.

3. Learned counsel for the petitioner submits that the petitioner is in custody since 11.03.2022 except one month, for which he was released on interim bail on medical grounds. The complainant and eye-witnesses have already been examined. No overt act has been attributed to the petitioner. The allegations are against co-accused Pradeep, who shot at the deceased with his pistol. In the post-mortem report, three injuries are shown, which are gun shot injuries. It is, therefore, prayed that the petitioner be released on regular bail.

4. Status Report on behalf of respondent-State has already been placed on record. Learned State counsel, accompanied by learned counsel for the complainant, while referring to the Status Report, has opposed the bail petition. They have argued that it is matter of record that the petitioner was a member of unlawful assembly. He, along with his co-accused and in prosecution of common object of such unlawful assembly, committed murder of Dharmender @ Gabbu. His co-accused Pradeep caused injuries to the deceased with pistol. So, he does not deserve concession of regular bail.

However, learned State counsel has fairly admitted that the complainant and eye-witnesses have already been examined and no injury has been attributed

to the petitioner.

5. I have heard learned counsel for the parties and perused the case record.

6. The petitioner is in custody since 11.03.2022 except the period he remained on interim bail on medical ground. Culpability of the petitioner shall be decided during trial of the case. As per post-mortem report, all the injuries on deceased were gun-shot injuries which were attributed to co-accused Pradeep, who is already in custody.

7. In view of the aforesaid facts and circumstances of the case, keeping in view that completion of trial will take a long time, no useful purpose would be served by keeping the petitioner behind bars for a long time.

8. Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate concerned and subject to him being not required in any other case.

9. The petitioner shall also abide by the following conditions :-

1. *The petitioner shall surrender his passport and shall not leave the country without the prior permission of the Trial Court.*

2. *The petitioner shall give his mobile number to the Trial Court and get the same registered with the Trial Court as well as concerned Police Station. On this mobile number, SMS shall be received from the CIS and petitioner shall not change this mobile number till the disposal of the*

case.

- 3. The petitioner shall not change his residence without prior intimation to the complainant Department and the trial Court.
- 4. The petitioner shall appear before the Trial Court on each and every date of hearing.

10. The Trial Court is at liberty to impose any other condition that it may deem appropriate. It is further clarified that in case of default of any of the conditions, then the concerned Court is competent to cancel the bail granted to the petitioner.
11. Nothing stated herein above be construed as a final expression of opinion on the merits of the case and the Trial Court would proceed independently of the observations above, which have only been made for the purpose of adjudication of the present petition for grant of regular bail.
12. Pending applications, if any, shall stand disposed of along with the present petition.

March 19, 2024
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.