



214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37635-2024

Date of Decision: 11.11.2024

Satish alias Satish Kumar

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Kuldeep Sharma, Advocate
for the petitioner.

Mr. Rajinder Kumar Banku, Deputy Advocate General, Haryana.

Mr. Vikrant Rana, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.0218 dated 29.07.2023 registered under Sections 307 and 34 of IPC and Section 25(1-B) (a) of Arms Acts, at Police Station DLF PH-3rd, District Gurugram.

2. The FIR in the present case was registered on the basis of the statement made by Naveen Kumar son of Jile Singh and the same has been reproduced below:-

“Statement of Naveen Kumar son of Jile Singh, resident of H.No.24, DLF PH-3rd, Nathupur Gurugram, age 45 years mobile No.9811304077 stated that I am resident of the above address and doing work in the name of Harsh Building Material. Today I was present at my above address and my friend Devender Yadav son of Panna Lal village Nathupur came there to meet me at about 10:30 AM.



After a while my friend Devender went for his home from my above address. At about 11:27 AM son of my paternal uncle Naveen son of Braham Village Nathupur called me by his mobile phone number 9718607077 on my mobile number 9811304077 and told me that a person has been shot inside a Brezza car bearing number HR 98C 7406 in front of Siris road- 19, DLF- III, Gurugram and the person is lying in his car. On this I told Naveen that is the car of my friend Devender Yadav and he just went from here. On receiving this information I went on the spot and witnessed that my friend Devender Yadav was lying in the pool of blood in his Brezza Car. At the same time I stopped an E-Rikshaw which was plying on the road and taken his friend Devender Yadav in E-Rikshaw for treatment to the Narayana Hospital DLF PH-3RD Gurugram. While going to hospital I asked my friend Devender that who shot him. On that my friend Devender told me that a family dispute is going on between my nephew onu son of Nafa singh Village Khera Najafgarh Delhi and our family. For this very reason, sonu and his companions fired upon me me with intention to kill me. For the treatment I admitted my friend Devender Yadav in Narayana Hospital V-Block DLF Ph-3rd Gurugram. On and his companions shot upon my friend Devender with intention to kill him. Legal action should be taken against them. I have given my statement, read over, heard that is true. SD/-Naveen Kumar.”

3. Learned counsel for the petitioner contends that even though the petitioner has been specifically named in the FIR, but no specific injury has been attributed to him. Even the offence under Section 307 IPC has been added wrongly, just to involve the petitioner in a false criminal case. Learned counsel further contends that in fact, a family dispute is pending between the complainant party and co-accused Sonu and the petitioner had no concern with



the said dispute. The petitioner was arrested in the present case on 03.08.2023 and is in custody since then. He further contends that Naveen, complainant and Devender, injured have already been examined by the prosecution.

4. On the other hand, learned State counsel, assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is also one of the main accused and his involvement in the occurrence had been established. However, learned State counsel could not dispute that the petitioner is in custody for the last more than one year and three months and the complainant as well as the injured have already been examined.

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

6. In the present case, the petitioner is in custody for the last more than one year and three months and the complainant-Naveen and injured-Devender have already been examined by the prosecution. Thus, no purpose will be served by keeping the petitioner behind bars.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S.SHEKHAWAT)
JUDGE

11.11.2024.
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No