

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

282 CRM-M-49094-2023
Date of Decision.:19.03.2024

Monu @ MurliPetitioner
Vs.
State of HaryanaRespondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Siddarth, Advocate
for the petitioner.

Mr. Randhir Singh, Addl. AG, Haryana.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.486 dated 02.09.2020 registered under Sections 341, 302 of the IPC and Section 25 of Arms Act registered at Police Station Camp, Palwal.

2. The prosecution allegations are that on account of some altercation, which had taken place between the petitioner and the deceased more than one year prior to the date of occurrence, the petitioner, on 01.09.2020 inflicted firearm injury in the left side of the chest of Narender son of Arjun (now deceased). Police party reached the hospital. At that time, injured was declared fit to make the statement. Statement of injured was recorded, who disclosed that it is the petitioner, who had inflicted firearm injury to him. Initially FIR under Sections 341 & 307 of the IPC was

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registered. Petitioner was arrested on 02.09.2020. The complainant/injured succumbed to the injuries on 04.09.2020. Section 302 of the IPC was added and thus the statement given by the injured became his dying declaration.

3. Learned counsel for the petitioner contends that petitioner has been falsely implicated; that he is in custody for the last more than 03 years and 06 months; that trial may take time to conclude and so, he be allowed bail.

4. Learned State counsel has strongly opposed the bail petition by submitting that petitioner is sole accused as named in the FIR and he was duly named by the deceased himself prior to his death. Learned counsel also contends that not only the dying declaration of the deceased, there is also corroborative evidence to show that it is the petitioner who had caused firearm injury to the petitioner. Learned State counsel also informs that out of 18 witnesses cited by the prosecution, 12 have already been examined.

5. After hearing both the sides and having regard to the direct attribution to the petitioner, including the dying declaration of the deceased, but without commenting anything further on the merits of the case, this Court is not inclined to grant benefit of regular bail to the petitioner.

Dismissed.

(DEEPAK GUPTA)
JUDGE

March 19, 2024
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No