



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

**CRM-M-52040-2024**  
**Date of Decision: 25.10.2024**

NARESH ALIAS MINTU  
....Petitioner

VERSUS

STATE OF HARYANA  
....Respondent

**CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present:     Mr. Rahul Dahiya, Advocate for the petitioner.

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**KARAMJIT SINGH, J.**

Prayer in the present petition under Section 483 of BNSS is for grant of regular bail to the petitioner in case FIR No.441 dated 11.08.2023 registered for the offences punishable under Sections 120-B, 307 of IPC read with Section 34 of IPC and Section 25 of Arms Act at Police Station City, Tohana, District Fatehabad.

2.             The allegations in nutshell are that complainant Surjeet Singh reported to the police that on 11.08.2023 at about 6.45/7.00 PM, when he stopped his car No.HR-26-CF-0360 near house of Miya Singh and got down from the car, in the meantime petitioner Naresh @ Mintu and co-accused Deepak @ Deepu came there on a motorcycle and then Deepak @ Deepu fired shot aiming towards the complainant but it hit tyre of the car of complainant. Deepak @ Deepu also fired two shots in the air and then they fled away from there on the same motorcycle which



was driven by the present petitioner. During investigation, the petitioner was arrested and the motorcycle used by the petitioner in commission of crime was recovered.

3. Counsel for the petitioner *inter alia* submits that the petitioner was not named in the FIR and was later on nominated as accused and is in custody for the last about 5 months and that the main accused Deepak @ Deepu is already enlarged on bail by this Court vide order dated 12.07.2024 and that it will take time for the trial to conclude as till date charges are not framed. That in the given circumstances, no gainful purpose is going to be served by prolonging the judicial custody of the petitioner.

4. Notice of motion.

5. Mr. Parveen Kumar Aggarwal, Deputy A.G., Haryana accepts notice on behalf of the State. The State counsel has resisted the present petition and on instructions from ASI Karnail Singh submits that petitioner was driving the motorcycle while Deepak @ Deepu who fired shots was sitting on its pillion seat. However, the State counsel has not disputed the fact that petitioner is in custody for the last 4 months and 27 days and trial will commence only after the framing of charges and that recovery of weapon used in commission of crime was effected from co-accused Deepak @ Deepu. It is also not disputed that no one sustained injuries at the time of occurrence.

6. I have considered the submissions made by the counsel for the parties.



7. As per the allegations appearing on the record, at the time of occurrence the petitioner was driving motorcycle and his pillion rider namely Deepak @ Deepu fired shot which hit tyre of the car of the complainant. However, no one sustained firearm injuries. The recoveries are already effected and on completion of investigation, police has presented the challan but trial will proceed ahead only after the framing of charges. Main accused Deepak @ Deepu is already given benefit of regular bail by this Court vide order dated 12.07.2024. In the given circumstances, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

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

25.10.2024  
Priyanka Thakur

(KARAMJIT SINGH)  
JUDGE

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