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

CRM-M-55380-2024**Date of Decision: 13.11.2024**

Manish

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Gulshan Nandwani, Advocate
for the petitioner.

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

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 in case FIR No.214 dated 09.03.2020 registered under Sections 307, 506, 201, 120 of IPC and 25 of Arms Act, at Police Station Model Town, District Rewari.
2. The FIR in the present case was registered on the basis of the statement made by Bir Singh son of Sh. Dulichand and the same has been reproduced below:-

*“To The SHO Police Station Model Town Rewari
Dear I Bir Singh S/o Sh. Dulichand caste Gujjar am resident of
House No. 3126/196 Rajiv Nagar Rewari. Today on 9.3.20 at
around 1.46, I was keeping the cylinder in my car outside my
house, at the same time, 4 boys on 2 motorcycles and on each of
two motor cycles, two boys were sitting who came close to me and
one boy placed a pistol on my forehead and fired at my forehead
but the fire missed. When I saw this boy, he was Harkesh S/o Kala*



caste Gujjar resident of Bada Talab Rewari. Then I caught Harkesh. At the same time his friend Manish S/O Bhup caste Gujjar resident of Bada Talab came near me and fired at me, but the bullet passed near my ear and some shrapnel hit my body which I narrowly escaped and after that two boys whose names I don't know both had pistols which they also fired at me to kill me, but the bullet did not hit me and hit the wall and another vehicle parked at another spot. Then I caught Harkesh but at the same time another boy Manish came who fired a bullet and got freed him. In the scuffle I snatched the desi pistol from Manish's hand which I am presenting to you along with the snatched pistol along with the empty shell. After this incident all four boys fled towards Muktiwada Mohalla on their respective motorcycles. The reason is enmity. That I met Vikas S/o Suresh and Aman S/o Satish with whom an agreement was made for a plot situated at Village Padaiyawas situated within the limits of village. That Vikas lives behind Somani College and he is Yadav by caste and Aman Ghadi lives in C Block in Society Manchadan on Bolni Road, he is also Yadav by caste. On January 3, 2020, phone call was received from Mobile Ph. No. 639239810625 who said, I am Sube Rathi Baar. The agreement which you have entered into with Vikas or Aman of plot, return the same, the money will be returned by us later on. However I did not return the agreement. Then on 24 January 2020, a WhatsApp call came from Chadan S/o Prithvi Village Mudanwas's phone number 8683838202 on my phone number 8901111718 and he said that the agreement which Sube Bhaisaab had asked to return why didn't you have returned it, I have started enmity with you from today itself. Then on March 3, Chand's mother Sharbati M No 9350900425 whatsapp calling came on my wife's Ph No 9996212828 and said that give that agreement to my son Virender alias Bilos otherwise you will become widow and we will kill your family member, who has hatched a conspiracy in



respect of the above matter and sent the above mentioned boys with weapons on motor cycles and got 3 shots fired at me with the intention of killing me. Then my brother Bhim Singh informed the police station Model Town on phone number 260122 and the police reached the spot and took me to Trauma Center Rewari in emergency. Doctor treated me and issued report. Please take action. Thanking you Sd/- Bir Singh.”

3. Learned counsel for the petitioner contends that in the present case, the petitioner has been wrongly shown to be one of the assailants. He further contends that the recovery of pistol was planted on the petitioner and he was wrongly arrested by the police on 25.08.2020. Learned counsel further contends that co-accused, namely, Chanderpal, Sarbati and Akash have already been admitted to bail vide orders, Annexures P-2 to P-4 and further custody of the petitioner will not serve any meaningful purpose.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

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

6. It is not in dispute that vide orders Annexures P-2 to P-4, other co-accused, who had allegedly participated in the commission of crime, have already been granted the concession of bail and the petitioner is at par with them. Moreover, the petitioner is in custody for the last more than 04 years and 03 months and the trial is at an advanced stage. Apart from that, the statement



of Bir Singh, complainant had already been recorded as PW-1 and he did not support the case of the prosecution.

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.

13.11.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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