

2232024:PHHC:015096

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60236-2023

Date of Decision: February 05, 2024

SANDEEP KUMAR ALIAS RANGI.....Petitioner

Versus

STATE OF HARYANA.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Aditya Sanghi, Advocate for the petitioner.
Mr. Rajiv Sidhu, DAG, Haryana.

HARKESH MANUJA, J. (ORAL)

1. By way of this second petition filed under Section 439 CrPC, prayer has been made for grant of regular bail in case FIR No. 899 dated 06.11.2021 registered under Sections 120-B, 201, 307, 34 & 216 of IPC and Section 25 of Arms Act, 1959 P.S. Barwala, District Hisar, Haryana wherein, the petitioner though not specifically named in the FIR was implicated on the basis of supplementary statement made by complainant after one month of registration of FIR. In the present case, one co-accused namely Kuldeep fired gunshot at complainant.
2. The prayer made herein has been opposed at the instance of learned State counsel while referring to the antecedents of the petitioner, being involved in three other FIRs besides, the complainant having received two injuries upon his person.
3. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.
4. In the present case, investigation stands concluded with the

filing of challan followed by framing of charges. Even the complainant-injured who appeared as PW-1 did not identify the petitioner and the other accused present in the Court and thus, never supported the prosecution story. Moreover, the petitioner is already behind the bars for a period of almost two years and has not been attributed any specific injury upon the person of the complainant. As regards, the involvement of the petitioner in other three FIRs, admittedly he stands acquitted in one FIR whereas, in the other two FIRs he is already on bail. Considering the totality of facts and circumstances of the case in hand, this Court does not find justification to extend his incarceration any further.

5. In view of the above, without commenting anything on the merits, lest it may prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

05.02.2024
Tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>