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

CRM-M-58484-2024**Date of Decision: 17.12.2024**

Sandeep alias Sonu

...Petitioner

vs.

State of Haryana

...Respondent

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

Present : Mr. Rupender S. Rana, Advocate with
Mr. Chirag Suri, Advocate
Mr. Tejas, Advocate and
Mr. Karan Verma, Advocate
for the petitioner.

Mr. Arun Kumar, AAG, 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.218 dated 29.07.2023 registered under Section 307 read with Section 34 of IPC and Sections 25 (1-B)(a) of Arms Act, at Police Station DLF, Phase-3, Gurugram.
2. Learned counsel for the petitioner contends that earlier application for grant of interim bail was withdrawn on 20.08.2024. However, now the petitioner is in custody for the last more than 01 year and 04 months and the trial has not made any substantial progress. Consequently, the present petition has been filed before this Court.

3. 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 sonu son of Nafa singh Village Khera Najafgarh Delhi and our family. For this very reason, sonu and his companions fired upon 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.”

4. Learned counsel for the petitioner contends that a family dispute is pending between the complainant party and the present petitioner and on account of the said enmity, the petitioner has been falsely involved in the present case. Learned counsel further contends that the petitioner was arrested in the present case on 03.08.2023 and is in custody since then. The injured in the present case has already been discharged from the hospital and is hale and hearty. Moreover, Naveen, complainant and Devender, injured have already been examined by the prosecution and there are no chances of tampering with the prosecution evidence. Learned counsel for the petitioner has further referred to the order (Annexure P-5) passed by this Court, whereby co-accused, namely, Satish @ Satish Kumar has been granted the concession of bail by this Court.

5. On the other hand, status report by way of an affidavit of Assistant Commissioner of Police, DLF, Gurugram has been filed by learned State counsel in Court today and the same is taken on record. 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 serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

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

7. The petitioner is stated to be in custody for the last more than 01 year and 04 months and the trial Court has already recorded the statement of the

complainant as well as the injured in the present case. Even the prosecution has not been able to bring on record any evidence to prove that the petitioner is in a position to influence the other witnesses or there are chances of fleeing from the process of law.

8. 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.

17.12.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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