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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-65110-2023
Date of decision : 22.02.2024

Mandeep Singh @ Kalu Petitioner

versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Siddarth, Advocate and
Ms. Poonam Choudhary, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.413 dated 17.04.2022, registered for the offences punishable under Sections 323, 307 and 34 of IPC and Sections 25 and 27 of Arms Act at Police Station Shahbad, Kurukshetra.

2. As per the contents of the FIR, it has been alleged as under:-

“Statement of Hardeep Singh son of Sher Singh resident of Sharifgarh Police Station Shahbad age 23 years Mobile No. 8127958696. Stated that I am a resident of the above name address and I am a soldier posted in the Indian Army. I came to my home in Sharifgarh on 06/04/2022 after taking AL leave for 28 days. On 16.04.2022, he was visiting his native village Sharifgarh while on annual leave. At about 5.00/6.00 P.M. on 16.04.2022, as per

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complainant, he and his brother Gurdeep Singh had gone to Bala Ji Petrol Pump, G.T. Road for getting the fuel filled. When they were at the petrol pump, Mandeep Singh @ Kalu son of Channa Singh and one another person named Babu, son of Rinku came on Splendor Plus motor-cycle. Without exchange of any hot words or provocation, Mandeep Singh @ Kalu son of Channa hit him (complainant) on his hand with a sharp edged weapon (drant). Immediately thereafter, he called up his father on mobile phone bearing SIM No.93067-51412 and narrated the entire incident. His father dialed 112 and requested the police authorities to reach at the site. To his (complainant's) good luck, police arrived, on seeing whom both Mandeep Singh @ Kalu son of Channa and Babu sped away. After getting the fuel filled, he (complainant) and his brother Gurdeep Singh headed for their home and as they reached under the bridge of Sharifgarh, Mandeep Singh @ Kalu son of Channa accompanied by co-accused Devender Singh @ Sonu, son of Amarjeet Singh, also arrived at the scene. Within a split of second, they both started firing on him and his brother. Unfortunately, his brother Gurdeep Singh suffered a gun shot injury on his left arm and resultantly fell down from the motor-cycle which he was driving. On hearing their hue and cries several people gathered at the spot on seeing whom, both Mandeep Singh @ Kalu and Devender @ Sonu sped away. Family members who had been intimated rushed him (complainant) and his brother Gurdeep Singh to CHC, Shahabad, where immediate medical aid was provided. Towards the end of the complaint, complainant

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pointed out that Mandeep Singh @ Kalu son of Channa and Devender @ Sonu, son of Amarjeet as also their associate Babu, son of Rinku all residents of Sharifgarh had unleashed an attack on him and his brother and had also fired gun shots at them with a view to kill them. FIR registered on above said statement.”

3. Petitioner happens to be the main accused as per the allegation. He is behind bars for more than 01 year and 10 months. Not only the investigation stands concluded, but the material witnesses i.e. complainant as well as the victim stand examined. Co-accused Devender @ Sonu stands admitted to bail vide order dated 05.07.2023 passed in CRM-M-44744-2022, observing as under:-

“xx xx xx

6. It is a case where the petitioner has already faced incarceration for a period of more than 1 year and 2 months and even as per the affidavit which has been filed by the respondent/State in the present case, it has been so stated that the gun which was used by the petitioner was a double barrel gun which was owned by his uncle and as per the learned counsel for the parties, the injuries sustained by the injured did not pertain to the aforesaid gun. The petitioner is stated to be not involved in any other case. The trial of the case may take long time. Furthermore, it is neither the case of the State nor it has been argued by the learned State counsel that in case the petitioner is released on regular bail then he may abscond or flee from justice or may influence the witness or may tamper with the evidence.

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7. Therefore, in view of the aforesaid facts and circumstances of the case, this Court deems it fit and proper to grant regular bail to the petitioner. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.”

4. By now, only 02 out of 24 witnesses have been examined. Thus, the trial is not likely to conclude in the near future.

5. Keeping in view the incarceration suffered by the petitioner, the fact that the trial is proceeding at snail pace and is not likely to conclude in the near future and the fact that since the star witnesses stand examined, there is no apprehension that the petitioner shall tamper with the evidence, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

6. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

22.02.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No