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

CRM-M-5650-2025**Date of Decision: 28.04.2025****RAHUL****....Petitioner(s)****VERSUS****STATE OF HARYANA****....Respondent(s)****CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present: Mr. Ajay Kripal Singh, Advocate for the petitioner.

Mr. Surender Singh Pannu, Addl. A.G. Haryana.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Rahul	351	29.08.2022	307, 120-B, 201, 34 IPC, 25 of Arms Act	Sadar Hansi	Hisar

2. In the present regular bail petition, after hearing petitioner's counsel on 10.03.2025, following order was passed:-

*"1. On 05.02.2025, following order was passed by this Court:
" 1. The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to the petitioner - Rahul, who has been booked for having committed the offence punishable under Sections 307, 120-B, 201, 34 of IPC and Section 25 of the Arms Act, 1959, in FIR No. 351, dated*



29.08.2022 (P-1), registered at Police Station Sadar Hansi, District Hisar.

2. It is noticed that despite service, complainant injured witness - Suresh Kumar, has not appeared before the trial Court for recording his statement on 23.09.2024, 04.11.2024, 22.11.2024, 17.12.2024 and 14.01.2025. Court is also informed that even on 03.02.2025 said PWSuresh Kumar did not appeared.

3. Counsel submits that the allegation against the petitioner is of firing a shot at the injured, hitting him on the leg, which is undoubtedly a non-vital part. Therefore, the charge under Section 307 of the IPC remains highly debatable. Further, it is submitted that the petitioner has been in jail for more than two years and four months, and due to the repeated non-appearance of the material witness despite several opportunities granted, the petitioner cannot be kept in jail any longer.

4. In view thereof, let presence of PW-Suresh Kumar be secure for the next date fixed before the trial Court i.e. 06.03.2025, for the purpose he has already been called before the said Court through the S.H.O. of concerned Police Station.

5. Adjourned to 10.03.2025.”

2. Learned State counsel informs that co-accused namely Reena, who has been released on bail by learned trial Court, did not appear for the last two occasions and therefore, proceedings of recording statement of witness namely; Suresh could not take place though he was present to make his statement.

3. In case co-accused namely; Reena is arrested or surrenders herself before trial Court, the process of recording statement of witness namely; Suresh would be completed by learned trial Court without any delay.

4. List on 28.04.2025, to consider the plea for bail of petitioner.”

3. Today, Court is informed that in fact absence of co-accused Reena was not intentional rather on account of being pregnant, she could not appear. Now, after birth of the child, she has already put in appearance on 04.04.2025.

4. Continuing his submissions, counsel argues that petitioner is there inside jail for a period of the last more than 02 years and 07 months and, therefore, considering the role attributed to the petitioner along with



fact that the fire arm injury has been attributed at the leg of the injured, he be granted the concession of bail.

5. On the other hand in response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 28.04.2025 in Court today, which is taken on record. Office to tag the same at appropriate place. He submits that petitioner is inside jail since the period of 02 years and 07 months and is involved in one more case in which he is already on bail.

6. I have heard learned counsel for the parties and gone through the record with their able assistance.

7. Considering the aspect that the role attributed to the petitioner is of firing a shot which hit the leg of the injured, which is non vital part of the body and the fact that he is already there inside jail for a period of 02 years 07 months and that out of total 16 prosecution witnesses, 06 prosecution witnesses have been examined, I deem it appropriate to grant the concession of bail to the petitioner.

8. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

9. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

10. The observation made hereinabove shall not be construed as an expression of opinion on the facts of the case and the Trial Court is



expected to decide the case on the basis of complete evidence available on record.

11. Petition stands disposed of.

April 28, 2025
Sangeeta

(SANJAY VASHISTH)
JUDGE

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