



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

**CRM-M-5630-2025 (O&M)
Date of Decision:-05.02.2025**

Ved Parkash @ Gaurav

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Puneet Pali, Advocate for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana

Mr. Gyanparkash Saini, Advocate for the complainant.

JASGURPREET SINGH PURI J.(Oral)

1. The present is a third petition filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.05 dated 14.01.2023 under Sections 307, 34 and 120-B of IPC and Section 25/54/59 of Arms Act, registered at Police Station Shahzadpur, District Ambala.

2. Learned counsel appearing on behalf of the petitioner submitted that it is a case where the petitioner is in custody for 01 year, 09 months and 08 days since he was arrested on 24.04.2023. He submitted that as per the allegations levelled against the petitioner that he was driving a motorcycle and there were two other co-accused on the pillion seat and they had fired upon the injured which hit his head and his shoulder. He submitted that there is no direct attribution to the present petitioner regarding the action and in any case the petitioner has clean antecedents and is not involved in any other case, and



has been falsely implicated in the present case, having already faced incarceration for 1 year, 9 months and 8 days. He also submitted that one of the co-accused who had allegedly committed recce namely Brijpal @ Birja has been extended the benefit of regular bail by learned Addition Sessions Judge, Ambala, on 16.08.2023 and even as per the prosecution's story, the petitioner never fired at anyone with a firearm. However, later on according to the prosecution, based on a statement made by the petitioner in police custody, the police made a story that some illegal arms were used in the crime. He also submitted that, apart from the above, the trial in the present case is not progressing. The charges were framed by learned Trial Court on 05.07.2023, and almost one and a half years have passed, yet not a single witness has been examined. Therefore, considering the aforesaid facts and circumstances, he may be considered for the grant of regular bail.

3. On the other hand, learned State counsel submitted that, insofar as the custody of the petitioner is concerned, the same is correct. It is also correct that charges in the present case were framed on 05.07.2023, which is almost one and a half years ago, and till today, no prosecution witness has been examined. He, however, opposed the grant of regular bail to the petitioner, stating that the matter is serious in nature because the petitioner was the person driving the motorcycle and was actively involved in the offence. He along with the other co-accused, had conspired with the intention to kill and had attacked the injured. The other co-accused, who were sitting on the pillion seat, fired upon the complainant, hitting his head and shoulder with a firearm. He further submitted that, so far as the antecedents of the petitioner are concerned, he is not involved in any other criminal case.



4. Mr. Gyan Parkash Saini, Advocate, has appeared on behalf of the complainant and opposed the grant of bail to the petitioner on the ground that the petitioner is the main accused in the present case. Although he was the driver of the motorcycle, he, along with the other accused, attempted to kill the complainant. The complainant, however, escaped, although he was hit on his head and shoulder. It has been prayed that the petitioner may not be granted the benefit of regular bail.

5. I have heard the learned counsels for the parties.

6. This is a successive bail application filed by the petitioner. Earlier bail petition was dismissed by this Court on 16.10.2023 vide Annexure P-4 and thereafter second bail petition was dismissed as withdrawn on 20.05.2024 vide Annexure P-5. It has been stated by all the learned counsels for the parties in the present case that the petitioner has been in custody for 1 year, 9 months, and 8 days and learned Trial Court had framed the charges on 05.07.2023. One and a half years have elapsed since the framing of charges but not a single prosecution witness has been examined till today. The allegations against the petitioner pertain to the fact that he was driving the motorcycle, while the pillion riders fired upon the complainant, hitting his head and shoulder with a firearm. It has been specifically stated by learned State counsel that the petitioner has clean antecedents and is not involved in any other criminal case.

7. No explanation has been provided by either learned State counsel or counsel for the complainant as to why, after about one and a half years from the framing of charges, not a single prosecution witness has been examined.

Furthermore, it is neither the case of the learned State counsel nor it has been



argued that in case the petitioner is released on bail then he may abscond or flee from justice or may influence the witness or may tamper with the evidence. Therefore, considering the aforesaid facts and circumstances of the case, this Court deems it fit and proper to grant regular bail to the petitioner

8. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

9. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

05.02.2025

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