

222

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-22468-2024 (O&M)
Date of Decision:- 10.03.2025

JITENDER @ MIDDA

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Ms. Anjali Sheoran, Advocate for the petitioner.

Mr. Vipul Sherwal, AAG Haryana.

SANJIV BERRY, J. (ORAL)

1. Ms. Anjali Sheoran, Advocate has put in appearance on behalf of the petitioner and filed her power of attorney with no objection from the previous counsel. Same is taken on record.
2. The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
202	23.07.2023	307, 34, 120-B IPC; 25 of the Arms Act	Uchana, District Jind

3. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. She submits that the petitioner is in custody since 19.09.2023 without there being any specific overt act attributed to him. She further submits that the



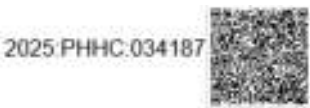
petitioner has not caused any injury in the alleged occurrence nor is he having any criminal antecedents. Thus prays for grant of concession of bail to the petitioner.

4. *Per contra*, learned State counsel while referring to the status report filed by the State has assailed these arguments by submitting that the petitioner is alleged to have conducted the recce of the complainant and on the basis thereof, the co-accused had attacked the complainant with intent to kill him, thus, prays for dismissal of the petition

5. Heard learned counsel for the parties and perused the record.

6. As per the case of prosecution the instant FIR was registered against co-accused Parveen @ Joker and other unknown person having fired upon injured Sahil. It was alleged that .32 bore pistol being used by co-accused Parveen @ Joker had fallen on the ground during the occurrence while running away from the spot. The same was taken in possession by the Police. During the spot inspection, the police recovered one led 315 bore lying in the chaupal, one led 32 bore lying outside the chaupal in the drain, two empty cartridges of 315 bore lying at a distance and one 315 bore led were taken into possession.

7. After considering the submissions made by both the sides and perusing the record, it is observed that petitioner is neither named in the FIR nor any specific overt act is attributed to him. He is not alleged to have caused any injury in the occurrence. The only attribution to him is of having conducted recce of the complainant. As specified in the status report, the petitioner is not having any criminal antecedents and after the completion of



investigation, challan has already been presented in Court, wherein the prosecution has cited 17 witnesses and only 03 have been examined till date. The criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

8. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

10. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

10.03.2025

S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No