



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

240

CRM-M-25071-2024 (O&M)
Date of Decision:- 07.05.2025

AJAY @ KALA

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. S.P. Arora and Mr. Vijay Sheoran, Advocates for
Mr. Kuldeep Sheoran, Advocate for the petitioner.

Mr. Amrik Narwal, DAG Haryana

SANJIV BERRY, J. (ORAL)

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
525	20.12.2023	307, 393, 34 IPC; 25(1-B)(a) and 27 of the Arms Act, 1959	Khedki Dhaula, District Gurugram

2. It is, *inter alia*, contended by learned counsel for the petitioner
that the petitioner is innocent and has been falsely implicated in this case. He
contends that the petitioner happens to be the driver and owner of the vehicle
which was allegedly used in the occurrence. He further contends that there is
no allegation against the petitioner of having fired upon anyone nor any
injury has been suffered by any of the victims in the alleged occurrence. He



submits that the petitioner is in custody since 21.12.2023 and the material witnesses have already been examined, who have not supported the case of the prosecution against the petitioner in any manner and have turned hostile. He further submits that the petitioner is not having any criminal antecedents and conclusion of trial will take sufficient long time. Thus prays for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the status report filed by the State has opposed the petition on the ground that the petitioner along with his accomplices had tried to commit robbery who were armed with deadly weapons. He has, however, admitted that the material witnesses have been examined and have not lent any support to the case of the prosecution against the petitioner.

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

5. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered on the complaint that on 20.12.2023, the complainant picked her sister from M3M Urban Business Park and was going towards their home in their car and on the way a Swift Dzire Car with taxi number plate came and three assailants alighted from the said car. Two of the assailants tried to open the car doors of the complainant and one accused fired a gunshot towards the wind-shield. All the assailants were wearing the masks. The three assailants were accompanied by a driver, who did not get out of the car, who is alleged to the present petitioner. Thereafter, a truck came and the assailants ran away. Admittedly, the complainant as well as her sister did not suffer any injury in the said



occurrence. The petitioner was arrested on 21.12.2023 and challan was presented in the Court, wherein the prosecution has cited 19 witnesses, however, only 05 witnesses have been examined, including the material witnesses, who have not supported the case of the prosecution against the petitioner and the remaining witnesses are formal in nature. The petitioner is not having any criminal antecedents. 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.

6. 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.

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

(SANJIV BERRY)
JUDGE

07.05.2025
S.Sharma(syr)

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