

220

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22947-2025 (O&M)
Decided on : 05.05.2025

Bittu @ Kannu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Keshav Pratap Singh, Advocate,
for the petitioner.

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

SANJAY VASHISTH, J.

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:-

FIR No.	Date	Section(s)	Police Station	District
356	09.10.2024	109(1), 3(5), 111, 238(a), 61(2) of BNS, 2023 and 25/27 of Arms Act, 1959 (Sections 111, 238(a), 61(2) added later on)	Bhuna	Fatehabad

2. Learned counsel for the petitioner contends that it is a case of no injury. Though as per allegations leveled by complainant namely



Raj Kumar @ Raja several shots were fired by the unnamed persons. Incident took place on 09.10.2024 and the FIR impugned herein was also registered against the unnamed person. He further submits that after 21 days when the complainant got his supplementary statement recorded, naming therein that the accused Shilu armed with two weapons, Sunny armed with one weapon and Ajay armed with one weapon, were there in one vehicle and said vehicle was being driven by the petitioner. In the same vehicle assailants were sitting and reached the spot. It is also argued that name of another accused namely Rahul who was also involved, on the basis of the disclosure statement of co-accused, vide order dated 07.02.2025 passed in CRM-M-7200-2025 (Annexure P-4) passed by this Court was released on anticipatory bail, by assigning reasons therein and said petition was accordingly disposed, of by directing to join the investigation.

3. Further submits that investigation has been completed and final report thereon was submitted on 03.03.2025. However, charges are yet to be framed thereon and the process of recording of evidence would start thereon. It is also informed that there are 44 prosecution witnesses and obviously process of recording their statement would be started only after framing of charges. Thus, prays for releasing of the petitioner on bail as he is not attributed any direct role in the incident.

4. On advance notice and in response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 02.05.2025 in Court today, which



is taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.

As per the custody certificate, in the present case, petitioner has already undergone 04 months and 24 days period inside jail and other cases registered against him are as under:

Sr. No.	Date of case (FIR No., dated, Section, Police Station, District)	Status of Case (Trial pending or concluded or yet to commence)	Remarks (in jail, Undergone, Acquitted, on bail)
1.	605/2022 dated 13.07.2022, under Sections 147/149 IPC, 323 IPC and 42 of Prisons Act, PS-Azad Nagar, Hisar	Trial pending	On bail
2.	293/2023 dated 07.11.2023 under Section 323 IPC 34, 341 IPC, 342 IPC, 365, 506 IPC PS Sadar Tohana, Fatehabad	Trial pending	On bail
3.	127/2021 dated 26.09.2021 under Sections 148, 149, 323, 325, 341, 379-B, 506 and 427 IPC PS-Jakhal, Fatehabad	Trial pending	On bail

5. Learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, submits that there are four other cases registered against him. However, on being asked, Mr. Surender Singh Pannu, Additional A. G., Haryana submits that none of the pending cases petitioner has been convicted by now. Rather he is enjoying the concession of bail in all the four cases. He also informs that during the investigation done by the police, the mobile number which is found to be in possession of the petitioner was found at the



location of the incident and the other two accused persons are yet to be arrested.

6. I have considered the submissions addressed by the respective counsel for the parties and gone through the petition.

7. Admittedly, no active role has been attributed by the petitioner even if it is assumed that the petitioner was present on spot, at the time of incident, there has to be a positive evidence against the petitioner to prove that he had shared the common intention with the other accused in advance and said decision would be taken by the trial Court at the end of the trial, after having complete set of evidence before it. Admittedly, no weapon has been recovered from the petitioner and in addition, as argued by the counsel for the petitioner that as per prosecution, fired bullet hit at the tire of the car, belonging to the complainant and despite being asked, complainant refused to get the mechanical examination of the car, it would not be possible for the prosecution to prove the incident even.

8. Without making any comment over observations over the submissions addressed by the counsel and the evidence available with the prosecution, I deem it appropriate to consider the plea for bail of the petitioner, accordingly prayer for bail is accepted and the petitioner is directed to be released on bail.

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. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

12. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

05.05.2025

M.Sikka

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO