

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-29421-2024 (O&M)
Date of Decision:- 29.04.2025

KAMAL RANA

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. J.S. Thind, Advocate for the petitioner.

Mr. Vipul Sherwal, AAG 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
36	13.02.2020	160, 307 and 34 IPC; 25 Arms Act	Agroha, District Hisar

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 no specific overt act is attributed to the petitioner nor any injury had been caused by the petitioner in the alleged occurrence. He further contends that the only role attributed to the petitioner is of conducting recce and riding the motorcycle, whereas the pillion rider co-accused Jagdeep fired upon Vinod. He submits that the petitioner is in custody since 28.08.2020. Thus prays for grant of concession of bail to the



petitioner.

3. *Per contra*, learned State counsel while referring to the reply filed by the State has opposed the petition on the ground that the petitioner has actively participated in the occurrence by conducting recce and also facilitating the co-accused Jagdeep Singh on his motorcycle whereupon while sitting on the pillion, co-accused Jagdeep fired bullets on Vinod Kumar. He submits that the trial is at fag end, as such, prays for dismissal of the petition.

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 case was registered on 13.02.2020, that a fire incident has taken place between two gangs wherein one Jagdeep and Vinod Kumar had fired upon each other with intent to kill. After the registration of the FIR, co-accused Jagdeep, who was confined in jail in other case was taken into custody, and as per his disclosure statement, he along with petitioner had come to kill Vinod on his motorcycle. Jagdeep had fired upon Vinod, who also fired with his pistol, hitting Jagdeep on his thigh. Vinod, also lodged in another case, was taken in custody and interrogated. Similarly, the present petitioner was taken into custody after taking on production warrant and arrested in this case. After the completion of investigation, challan was presented, which is pending trial. A perusal of record would reveal that the only role attributed to the petitioner as per his own disclosure statement Annexure R-2 is that he was riding the motorcycle whereupon Jagdeep was sitting on pillion and said Jagdeep had fired upon



Vinod with his pistol and said Vinod also retaliated by firing from his pistol, hitting the thigh of Jagdeep. Admittedly, no injury is attributed to the petitioner, although the pistol used by co-accused Jagdeep was recovered from the possession of the petitioner, but there is no allegation that the petitioner had used the pistol in any manner. He is in custody since 28.08.2020 and 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.

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

(SANJIV BERRY)
JUDGE

29.04.2025

S.Sharma(syr)

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