

CRM-M-42971-2024(O&M) -1-

2025.PHHC.070180

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-42971-2024(O&M)

Date of decision:-22.05.2025

RAJENDER ALIAS BENGALI ALIAS RAJENDER SINGH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Kuldip Singh, Advocate for the petitioner.

Mr. Vipul Sherwal, AAG, Haryana.

SANJIV BERRY, J.(ORAL)

CRM-17834-2025

1. The instant application has been preferred under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for placing on record the statement of complainant/PW-1 dated 07.04.2025 as Annexure P-7.

2. Heard.

3. The application is allowed, subject to all just exceptions. The statement of complainant/PW-1 dated 07.04.2025 is taken on record as Annexure P-7.

4. Registry tag the same at an appropriate place.

Main case

1. The instant second petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure, for grant of regular bail in the following case:-

FIR No.	Dated	Sections	Police Station
193	13.07.2023	25 of Arms Act, 195-A, 307, 323, 379-B, 506 IPC	Chhainsa, District Faridabad

2. Arguments heard.
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, he has neither threatened the complainant in any manner nor fired as has been alleged in the case of the prosecution. He contends that the petitioner is in custody since 01.08.2023, after completion of investigation, challan has already been presented in Court. He contends that even during course of trial, the only eye witness to the occurrence has categorically turned hostile and has given clean chit to the petitioner by claiming that the petitioner present in court was not the person who had come to his house or fired gun shot upon him or ever intimidated him in any manner, as such he prays for grant of concession of bail to the petitioner.
4. *Per contra*, learned State counsel referring to the reply submitted by the State, has opposed the bail petition by arguing that the petitioner has actively participated in the crime and had even fired upon the complainant from his illegal weapon after threatening to withdraw criminal complainant against him. Hence prayed for dismissal of the bail petition.
5. After considering the rival contentions and perusing the record, it transpires that the case of the prosecution is that the complainant received telephonic call on 12.07.2023 on his mobile phone and the caller told his name as Rajinder asking him to compromise the matter in another case FIR No. 228 dated 07.11.2017 and when the complainant is not ready to satisfy the plea for effecting compromise, he was manhandled and fired upon his left leg, while he was running away from the spot, the petitioner allegedly

fired on his right leg. Injured shifted to the hospital and FIR was registered.

6. The petitioner was arrested on 01.08.2023, and after completion of investigation, challan has already been presented in Court wherein prosecution has cited 16 witnesses and till date none of them have been examined. Admittedly, the complainant being the only material witness has been examined in trial as PW-1 and in his testimony he has not lent any support to the case of the prosecution against the petitioner as he has given clean chit to him by saying that neither the petitioner has threatened or intimidated nor had fired upon him and was turned hostile. This being the case, no purpose would be served by detaining the petitioner any longer in custody.

7. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court 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.

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

9. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

22.05.2025

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