



CRM-M-39957-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH**CRM-M-39957-2024 (O&M)
Date of decision : 4.2.2025**

Kamal alias Rana

... Petitioner

VERSUS

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGHPresent: Mr. Vikas Bishnoi, Advocate,
for the petitioner.

Mr. Arjun Lakhanpal, Addl. AG, Haryana

KARAMJIT SINGH, J. (Oral)

Prayer in the present petition is for grant of regular bail to the petitioner in case having FIR No.239 dated 22.7.2020 registered under Sections 397, 201 IPC and Section 25 of Arms Act at Police Station Bhuna, District Fatehabad.

2. The allegations in nutshell are that on 21.7.2020, the complainant Subhash and his brother Makhan Lal were going on their separate two wheelers and on the way, they were intercepted by two young boys and one of them took out pistol and asked complainant to handover his belongings. On this, Subhash Chander handed over his belongings including ₹ 1200/- and some other documents. In the meantime, Makhan Lal also stopped his two wheeler and resisted the aforesaid miscreants on which the accused who was having firearm fired shot which struck in right leg of



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Makhan Lal. During investigation, the petitioner was nominated as accused on the basis of disclosure statement of co-accused Satish Kumar and was arrested.

3. Counsel appearing on behalf of the petitioner, *inter alia*, submits that the petitioner is falsely implicated in the present case on the basis of the alleged disclosure statement suffered by co-accused and the same is inadmissible in evidence. Further, FIR in this case was registered against unknown persons. It is further submitted that during trial, injured Makhan Lal appeared in the witness box and failed to support the case of the prosecution as is clear from his deposition (Annexure P-3). It is further submitted that the petitioner is behind bars for the last more than 4 years and 4 months and it will take time for the trial to conclude. Further detention of the petitioner in judicial custody is not going to serve any specific purpose.

4. Present petition is resisted by the State counsel who on instructions from SI Ravinder Kumar submits that the present petitioner is main culprit who fired shot which hit on the right leg of Makhan Lal brother of the complainant at the time of the incident. Further, the petitioner and his accomplices snatched cash and other belongings from the complainant and his brother Makhan Lal. However, the State counsel has not disputed the fact that the petitioner is in custody for the last more than 4 years and 4 months and till date, the prosecution has examined 19 witnesses out of total 34. State counsel also apprised the Court that the petitioner is having criminal history as detailed in his custody certificate.

5. I have considered the submissions made by the counsel for the parties.



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6. Admittedly, FIR in this case was registered against 2 unknown persons who robbed the complainant and his brother Makhan Lal and also caused firearm injury to Makhan Lal and then escaped from the spot. The petitioner was nominated as accused on the basis of the disclosure statement suffered by co-accused Satish Kumar and is in custody for the last more than 4 years and 4 months. From the perusal of Annexure P-3, it is apparent that injured Makhan Lal while appearing in the witness box failed to support the case of the prosecution and also failed to identify the present petitioner in Court. It will take time for the trial to terminate. In the given circumstances, no purpose is going to be served by detaining the petitioner in custody for any longer period even if he is involved in some other criminal cases as are detailed in the custody certificate.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

February 4, 2025
Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No