





*started following his brother Jitender. Once, Jitender turned his motorcycle towards Devi Mandir, accused Sikander, who was having a country made pistol in his hand, fired three gun shots, out of which two gun shots hit his brother Jitender who fell down from his motorcycle. The accused who were having previous enmity with complainant while leaving spot declared that they have already killed Jitender and they further threatened the complainant with dire consequences. He prayed for taking legal action against accused persons. On these, the present F.I.R. was registered under sections 307, 411/34 IPC and Section 25 of Arms Act.”*

3. Learned counsel for the petitioner contends that the petitioner has no concern with the alleged crime and has been falsely involved in the present case. As per the allegations levelled by the complainant, the petitioner was driving the motorcycle and the shots were fired by his co-accused, Sikandar. Even the petitioner was not carrying any fire arm. The petitioner was arrested in the present case on 23.12.2023 and is in custody for the last more than one year and one month. Still further, Sandeep Singh @ Lotta @ Sandeep Kumar, co-accused has already been granted the concession of bail by the Court of Additional Sessions Judge, Kurukshetra. She further submits that the prosecution has been able to examine only four witnesses and the trial is not likely to conclude in near future. She further contends that no overt act has been attributed to the petitioner and was never involved in any other criminal activity.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is involved in a serious crime and Sikander, co-accused had fired



shots on the complainant in the present case and the complainant is yet to be examined.

5. I have heard the learned counsel for the parties and perused the record.

6. The petitioner was arrested in the present case on 23.12.2023 and the final report under Section 173 Cr.P.C. has already been presented against him. Even the prosecution has been able to examine four witnesses, so far and the trial is not likely to conclude in near future. Moreover, co-accused, Sandeep Singh @ Lotta @ Sandeep Kumar has already been granted the concession of bail by the Court of Additional Sessions Judge, Kurukshetra, vide order dated 25.09.2024 (Annexure P-2).

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

*(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*

*(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*

*(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*



*(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*

*(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*

*(vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*

*(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*

**07.02.2025**  
hemlata

**(N.S.SHEKHAWAT)**  
**JUDGE**

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