

***IN THE PUNJAB AND HARYANA HIGH COURT
AT CHANDIGARH***

**CRM-M-18276 of 2015
Date of Decision:3.6.2015**

Anil @ Suresh

..... Petitioner

Versus

State of Haryana

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.R.N.Lohan, Advocate,
for the petitioner.

Mr.Gaurav Jindal, Addl. AG, Haryana

1. To be referred to the reporters or not?
2. Whether the judgment should be reported in the digest.

RAJIV NARAIN RAINA, J.(Oral)

The three persons namely Surender, Shamsher Singh and Anil Kumar were riding pillion on a motor cycle when they stopped to ask the complainant to join them for a discussion to resolve some differences between them. According to the complainant, Shamsher Singh fired from an unauthorized revolver at the complainant and he received gunshot injuries in the waist. The complainant accordingly lodged FIR No.50 dated 22.1.2015 registered under Sections 307, 34 IPC and Sections 25, 54, 59 of the Arms Act in PS Sadar, Hisar against the accused party but did not attribute any role to petitioner-Anil Kumar in the FIR except saying that he was in the company of the other two co-accused.

After investigation, Surender and Shamsher Singh have been

found innocent by the police.

Mr.Lohan appearing for the petitioner submits that the recovery of the revolver has been shown in the hands of Anil Kumar-petitioner and this is a rather strange turn of events contrary to FIR but subject to trial and the evidence that may be produced at the trial.

Learned State counsel argues that that the evidence is yet to start and releasing the petitioner on bail may lead to influencing the witnesses and subverting the ends of justice.

However, the interest of the State and the interest of the accused have to be balanced in an equal scale and, therefore, I am inclined to think that the petitioner having been in judicial custody since 24.1.2015, as informed by the learned State counsel and that he has already spent 4 months and 9 days in jail, he deserves to be allowed the concession of regular bail also for the reason that the petitioner is not involved in any other FIR as stated by Mr.Lohan. Learned State counsel on instructions from ASI Suresh Kumar present in Court, is not in a position to admit or deny the statement. This Court accepts the words of Mr.Lohan as true and correct since this statement has been made at the bar.

For the foregoing reasons, this petition is allowed. It is directed that the petitioner be released on bail in terms of Section 439 Cr.P.C. Bail to the satisfaction of the CJM/Duty Magistrate, Hisar.

Nothing said herein shall be construed to be an expression on the merits of the case.

3.6.2015

Paritosh Kumar

(RAJIV NARAIN RAINA)
JUDGE