

203 CRM-M-22037-2015
BHUPENDER VS STATE OF HARYANA

Present: Mr. R.S. Dhull, Advocate
for the petitioner.

Mr. Yashwinder Singh, DAG, Haryana.

Petitioner seeks regular bail in case bearing FIR No.863 dated 16.09.2014 under Section 307 IPC and under Section 25 of the Arms Act. Complainant Dharampal lodged FIR on the plea that on 19.08.2014, he was sleeping in a hut in his farm house. His uncle Ramdhari was also nearby. Suddenly, he felt great pain in his left hand and saw that blood was oozing out from his wrist. At that time, he was under the impression that it may be due to some insect biting. He came out from the hut and found one person starting motorcycle. He came home on the tractor of his uncle Ramdhari. He was taken to hospital, there the doctor removed bullet from the wound. Ultimately, he came to know that it was an incident of firing.

Learned counsel states that despite injury having being found by the doctor, no FIR was registered particularly by treating it to be medico legal case. The complainant knew the petitioner in advance despite that he was not named. Complainant himself along with Ramdhari and father of the complainant while appearing as PW-1, PW-2 and PW-3 respectively, did not support the prosecution story in Court. They have already been declared hostile.

The petitioner is in custody since 18.09.2014. Mr. Yashwinder Singh, DAG, Haryana, on instructions from ASI Satbir Singh, however objects to the grant of bail on the ground that as per

FSI, the recovered weapon has the matching configuration with the

lead recovered from the wound.

At this stage, without embarking upon merits of the case, let the petitioner be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of CJM, Hissar.

Nothing expressed herein would be construed to be an opinion on the merits of the case.

(RAJ MOHAN SINGH)
JUDGE

July 15, 2015
SwarnjitS