

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

CRM-M-25812-2015

Date of decision: 14.09.2015

Ramesh @ Mahesha @ Baba

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Atul Lakhanpal, Senior Advocate with
Mr. Arjun Lakhanpal, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl. AG, Haryana.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.64 dated 12.04.2014 under Sections 307, 452, 34 of Indian Penal Code ('IPC' for short) and Sections 25, 54, 59 of Arms Act, registered at Police Station Uklana, District Hisar.

Learned Senior Counsel for the petitioner submits that neither the complainant-injured (PW1) nor his father-eyewitness namely Sh. Mahavir (PW2) have supported the prosecution version. He further submits that there was no injury on any vital part of the body. Prosecution evidence is still going on and conclusion of trial will take long time. He prays for allowing the present petition.

On the other hand, learned counsel for the State, while referring to the MLR, submits that there were many injuries caused on the person of the injured. Other witnesses have supported the prosecution version.

Petitioner was the main accused because he caused injuries with the firearm, which has been recovered from him. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties and after careful perusal of the record of the case, this Court is of the considered opinion that in the peculiar facts and circumstances of the case, petitioner has been found entitled for bail pending trial. It is so said because complainant-injured as well as his father have not supported the prosecution version, when they appeared as prosecution witnesses, before the learned trial Court. It is also not denied that the injuries suffered by the complainant were not on any vital part of the body. In such a situation, it shall be the debatable issue before the learned trial Court to consider whether any offence under Section 307 IPC, would be made out or not. Further, since prosecution evidence is still going on, conclusion of trial will take some time.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, instant petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

14.09.2015
vishnu