

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

CRM-M-32437-2015

Date of decision: 01.10.2015

Karambir

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Mr. Manoj Kumar Sangwan, DAG, Haryana.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.145 dated 24.02.2015 under Sections 148, 149, 323, 324, 452, 307, 506 IPC and Sections 25, 54, 59 of Arms Act, registered at Police Station Hodal, District Palwal.

Learned counsel for the petitioner submits that the earlier petition filed by the petitioner bearing CRM-M-20751-2015 came up for hearing before this Court on 06.07.2015 and it was dismissed as not pressed, at that stage. He further submits that now the material change in the circumstances is that three PWs have been examined and complainant Hari Pal @ Hari Om as well as injured witness Mohit deposed before the Court that petitioner fired only one shot but same did not hit anybody. He also submits that since the prosecution evidence is still going on, conclusion of trial will take some time. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from HC Surinder Singh, Police Station Hodal, Palwal, submits that participation of the petitioner in the commission of offence is very much established and he is not entitled for bail pending trial, at this stage. 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 given fact situation of the present case, petitioner has been found entitled for bail pending trial. It is so said because injured witness as well as the complainant have already been examined as prosecution witnesses. A bare perusal of their statements would show that petitioner fired only one shot but the same did not hit anybody, including the injured witness namely Mohit (PW3). It is also true that since the 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

01.10.2015
vishnu