

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

CRM No.M-33959 of 2015

Date of decision: 04.12.2015

Devi Charan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. P.S. Sullar, Advocate for the petitioner.

Mr. Yashwinder Singh, DAG, Haryana.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No.242, dated 04.05.2015, registered under Section 302 IPC and Section 27 of Arms Act, at Police Station Sadar Palwal.

It is contended that the petitioner as well as the complainant were not present at the time of incident. Though the weapon is registered in the name of the petitioner but the shot was fired by unknown person. The FSL report is still awaited. The petitioner is an old person of 74 years and he is in custody since 07.05.2015.

On the other hand, the learned State counsel opposes the prayer of bail and states that the shot was fired from the licensed

revolver of the petitioner, therefore, the present petition deserves to be dismissed.

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

Initially the FIR was registered under Section 302 IPC read with Section 27 of Arms Act, however, after investigation, the challan has been filed under Section 304 IPC and Section 27 of Arms Act. Considering the age of the petitioner and the fact that the trial is not likely to be concluded in the near future, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

04.12.2015

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(JITENDRA CHAUHAN)
JUDGE