

**Sr. No. 214
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM No. M-38686 of 2015
Date of Decision: 01.12.2015**

Sandeep

--Petitioner

Vs

State of Haryana

--Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Sudhir Hooda, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No. 213 dated 17.05.2015 under Sections 307, 506, 34 and 120-B of Indian Penal Code (for short 'IPC') and Section 27 of the Arms Act, registered at Police Station Urban Estate, Rohtak, Tehsil and Distt. Rohtak, Haryana.

Learned counsel for the petitioner places reliance on the affidavit of doctor at page Nos.24 and 25 of the paper book who appeared as PW-3 to contend that since the injuries are found simple in nature caused by blunt kind of weapon, no case under Section 307 is made out because none of the injury was found on any vital part of the body. He prays for allowing the present petition.

On the other hand, learned State counsel submits that since the petitioner fired gun shot which fortunately did not hit the injured, case under Section 307 IPC would strictly remain against the petitioner. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that keeping in view the changed circumstances and particularly the evidence given by the doctor, petitioner has been found entitled for bail pending trial. It is so said because all the injuries were found simple in nature caused by blunt kind of weapon. None of the injury was found on any vital part of the body. In such a situation, it shall be a debatable issue before the learned trial Court whether the offence under Section 307 IPC would be made out or not. 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 the merits of the case 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

01.12.2015
vandana