

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

CRM-M No. 10224 of 2016 (O&M)

Date of Decision: 31.05.2016

Shiv Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Sanjiv Kumar, Advocate
for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana
for the respondent/State assisted by ASI Satpal Singh.

Mr. Rahul Jaswal, Advocate
for the complainant.

JASWANT SINGH, J. (ORAL)

Prayer in this petition under Section 439 of Cr.P.C. filed on behalf of the petitioner-accused-Shiv Kumar is for grant of regular bail in case FIR No. 330, dated 27.10.2014, for offences punishable under Sections 307, 452, 34 of the Indian Penal Code and Sections 25/54/59 of Arms Act, registered at Police Station City Gohana, District Sonapat.

Petitioner-accused-Shiv Kumar is the *Jeeja* of the complainant-Narender and was *Sepoy* in Assam Rifles posted at Guwahati.

On the day of occurrence on 27.10.2014 at around 9.45 a.m., the petitioner-accused accompanied by his co-accused father Dharambir, his brother Sonu and mother Anguri are alleged to have come to the place of the complainant and threatened to teach them a lesson for not sending Kavita

(sister of the complainant and wife of the petitioner-accused), to her matrimonial home. The petitioner-accused is alleged to have fired three shots at Narender and two shots at other *Saala* Bijender from his licensed revolver. Complainant-Narender received injuries, one on the stomach and two on the hips whereas Bijender received a gun shot on the left shoulder and left side of the ribs.

Nominated accused-Anguri was found innocent and placed in column No. 2.

It is contended that the petitioner-accused, who is Army Man, had got agitated on account of the insistence of his in-laws in not sending his wife alongwith him to her matrimonial home. It is further submitted that the petitioner, on a sudden provocation, had caused the injuries and had no intention to kill as none of the injuries are the vital part of the body. He further submits that the petitioner is in custody since 27.10.2014 i.e. for last more than one and half years and both the injured witnesses and the other eye-witness have since been examined. Thus, prayer is for bail to the petitioner.

Learned counsel for the complainant has vehemently opposes the grant of regular bail to the petitioner-accused in the light of threat meted out to the complainant party by the other co-accused, who have since been granted regular bail.

The above argument would not matter much since the complainant party has been examined and the remaining witnesses are official witnesses.

Learned State Counsel, assisted by ASI Satpal Singh, does not dispute the custody period of the petitioner and the fact that five witnesses including the material witnesses out of sixteen (16) cited prosecution witnesses have been examined.

Without commenting on the merits of the case, keeping in view the facts noticed above; custody period of the petitioner; material witnesses have been examined and the trial is not likely to be concluded in near future, this Court finds that petitioner-accused deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

Disposed of.

May 31, 2016
'dk kamra'

(JASWANT SINGH)
JUDGE