

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-214 of 2016 (O&M)

Date of Decision: 17.3.2016

Vikas

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Kunal Dawar, Advocate for the petitioner.

Mr. Vivek Saini, D.A.G., Haryana.

TEJINDER SINGH DHINDSA.J

Present petition has been filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.182 dated 30.5.2015 under sections 307, 506, 34 I.P.C and sections 25, 54, 59 of Arms Act, registered at Police Station, Chandhuth, District Palwal.

Learned counsel for the parties have been heard.

F.I.R was registered on the statement of Pardeep @ Bholu in relation to an occurrence that took place on 28.5.2015. Complainant alleged that he along with his younger brother Ravi were returning back after having visited a temple and at that stage they were accosted by the present petitioner as also Yogesh and Deepak, co-accused. Allegation is that the present petitioner fired a shot from a country made pistol which hit the complainant on the left side of his waist.

Petitioner was arrested on 11.6.2015. The recovery of a country made pistol and a live cartridge is stated to have been effected from him.

It has gone uncontroverted that during the course of trial the complainant/injured Pardeep as also the eye witness to the occurrence namely Ravi, brother of the complainant have been examined and they have

not supported the prosecution version. Rather Pardeep has resiled from his initial statement which led to the registration of the F.I.R.

Upon a specific query having been put, Court has also been informed that the report from the F.S.L as regards the fire arm recovered from the present petitioner has since been received and as per such report there would be no incriminating substantive evidence coming forth to link the petitioner with the occurrence as also firing.

In view of the above and without making any observations on merits, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Palwal.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

17.3.2016
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