

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

**CRM No. M-24969 of 2016
DECIDED ON: OCTOBER 19, 2016**

SUMIT SAINI

....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Manish Soni, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. Sanjay Vashisth, Advocate
for the complainant.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Section 439 Cr.P.C., petitioner has sought bail in case FIR No. 1272 dated 04.10.2015 under Sections 147, 148, 149, 307 and 120-B IPC and Section 25 of Arms Act registered at Police Station City Gurgaon, District Gurgaon.

The complainant-Manish Khurana got registered the instant case on the allegations that on 04.10.2015 at about 9.15 AM, his neighbour Pankaj Bagia @ Golu came to his house while screaming and shouting and informed him that some boys were firing bullet shots on him, on which, he peeped out from the window of his room and found that five-six boys started firing bullet shots at him, due to which one bullet hit on his head. Even at that they were trying to enter into his house on which complainant also fired bullet shot from

his licenced gun but thereafter, he fell down unconsciously. It has further been unfolded by him that the entire occurrence has taken place in conspiracy with one Binder Gurjar Councillor.

Petitioner was arrested in some other case on 08.12.2015 and subsequently, he was formally arrested in this case on 18.12.2015. The recovery of fire arm, if any from the petitioner is in another case. Though, during the course of arguments it has been submitted by learned State counsel that spent cartridges as well as country made pistol recovered from the petitioner were sent to FSL and report in this regard is still awaited.

Here, it would be pertinent to mention that FIR was registered against some unidentified persons and the petitioner has been nominated as one of the accused in this case on the basis of disclosure statement alleged to have been suffered by his co-accused. Investigation is complete and challan has already been presented in the Court, which is pending disposal. The trial is not likely to be concluded in near future. Rather it would take sufficient long time.

Taking into consideration all the above-stated aspects but without expressing any opinion on the merits of the case, instant petition is allowed and petitioner is ordered to be released on bail at the satisfaction of learned trial Court/Duty Magistrate, Gurgaon

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OCTOBER 19, 2016
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(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned *Yes/No*

Whether Reportable *Yes/No*