

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

CRL. MISC. No.M-30882 OF 2016
DATE OF DECISION : 24th SEPTEMBER, 2016

Dimple

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

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Present : Mr. Sandeep Gahlawat, Advocate for the petitioner.
 Mr. Chetan Sharma, AAG, Haryana.
 Mr. Arvind Chauhan, Advocate for the complainant.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed the present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.22 dated 11.02.2016 registered under Sections 307/34 IPC and Section 25/54/59 of Arms Act at Police Station Alewa, District Jind.

Heard learned counsel for the rival parties.

I have seen the FIR in which it is stated that Dimple and Naveen entered the office of the complainant and Dimple asked Naveen to fire a shot, upon which Naveen fired a shot from pistol which hit the left side of the ribs of the complainant. The complainant deposed before the trial Court in examination-in-chief as under:

“On 11.02.2016, while I was sitting in my office,
then Dimple and Naveen entered in my office.
Naveen had covered himself with a *chadder*. After
entering in my office, accused Dimple asked
Naveen to fire upon me.”

However in the cross-examination the complainant stated as under:

“Dimple is present in the court today. But I had not seen it at the place of occurrence. I had not seen Pardeep now accused and Dimple now accused at the place of occurrence at the time of occurrence. Police never got Pardeep and Dimple identified from me in any test identification or at police station or anywhere else.”

Thus looking to the above evidence, it is clear that the complainant has not implicated the petitioner-Dimple, prima facie, making the case for grant of bail to the petitioner, even though the trial is on.

The petitioner shall be released on bail on such terms and conditions as deemed fit proper.

Bail to the satisfaction of the concerned trial Court/CJM.

It is not in dispute that the complainant is a responsible Principal of the college and the accused persons are the students. The FIR as well as the examination-in-chief clearly implicated Dimple as a person asking his friend Naveen to fire upon the Principal, and he fired due to which he received a serious injury in his chest. However, by favouring the petitioner-Dimple, he stated as above that Dimple was not present on the scene of offence. In my opinion this is a fit case wherein the trial Court ought to issue notice of perjury committed by PW-1 Tirlok Chand and proceed further against him in accordance with law. The same shall be done within a period of two weeks from today.

24th SEPTEMBER, 2016
'raj'

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned : *Yes* *No*

Whether Reportable : *Yes* *No.*