

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No.M-33441 of 2016
Date of Decision: 22.12.2016

Davender

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. H.S. Gill, Sr. Advocate with
Ms. Meena, Advocate
for the petitioner.

Mr. Manish Bansal, D.A.G., Haryana.

Mr. Rajesh Bansal, Advocate
for the complainant.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.24 dated 7.4.2016 under Sections 307, 452, 506 and 34 IPC and Section 25 of the Arms Act, 1959 registered at Police Station Dhand, District Kaithal.

Learned senior counsel appearing on behalf of the petitioner argues that though the allegation against the petitioner is that he fired a gun shot at the complainant, but no injury was caused to her. However, the petitioner is in custody since 8.4.2016.

Learned counsel for the complainant submits that the petitioner who was armed with a pistol had fired towards the complainant, however, fortunately, the complainant sat down and the fire shot hit the wall.

On the other hand, learned State counsel submits that even if no injury was caused with the fire shot, still there is motive on the part of the petitioner to cause injury to the complainant.

I have heard learned counsel for the parties.

Admittedly, the complainant has not suffered any injury in the case and the petitioner is in custody since 8.4.2016. It has been brought to the notice of this Court that the prosecution has cited as many as 12 witnesses and only 2 witnesses have been examined so far and therefore, trial in the case will take long time and no useful purpose will be served by keeping the petitioner in custody.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail during the pendency of the trial, subject to furnishing of his bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Kaithal.

It is made clear that observations made hereinabove shall not be construed as any expression on the merits of the case.

December 22, 2016
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No