

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

CRM-M No. 40078 of 2016
Date of decision : November 22, 2016

Sandeep @ Mota

..... Petitioner

v.

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Narender Kaajla, Advocate
for the petitioner.

Mr. Satish Saini, DAG Haryana

Mr. Subhash Godara, Advocate
for the complainant.

Ajay Tewari, J (Oral)

The petitioner seeks grant of regular bail in case FIR No.416, dated 18.05.2016, registered under Sections 307, 341, 120-B, 34 of the IPC and Sections 25, 54, 59 of the Arms Act, at Police Station Sadar Hisar.

Counsel for the petitioner has argued that the petitioner has

been in custody for six months and all the injuries are on non vital parts

and till date it has not even been established that they were caused by gun shot/s.

Learned DAG Haryana, on instructions from SI Krishan Lal, has accepted the fact that FSL report has not been received but has argued that the petitioner is the main accused.

Be that as it may, in my opinion the determinative factor in this case would be the cause of the injuries and till such time the FSL report is not received, the allegation that the injured was shot at with a gun cannot be taken to be proved. Consequently, this petition is disposed of with a direction to the trial Court to release the petitioner on interim bail to its satisfaction till the receipt of the FSL report and thereafter decide the issue of confirmation/vacation thereof.

November 22, 2016
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No