

**CRM No. M-40806 of 2016
DECIDED ON: DECEMBER 13, 2016**

SUNDER

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE JUSTICE JASPAL SINGH

Present: Mr. R.S. Rai, Sr. Advocate with
Mr. Karan Pathak, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Section 439 Cr.P.C., petitioner has sought bail in case FIR No. 736, dated 15.10.2016, under Sections 285 and 506 read with Section 34 IPC and Section 25 of Arms Act registered at Police Station Sadar Palwal, District Palwal.

Shortly put, the case of prosecution is that petitioner raised a fire shot with country made pistol upon the complainant with an intention to kill him but the latter some how managed to escape by taking support of the wall. FIR has been registered under Section 285 and 506 read with Section 34 IPC and Section 25 of Arms Act. A country made pistol is also alleged to have been recovered from the petitioner; besides a spent cartridge.

Petitioner was arrested at the spot on October 15, 2016 and after subjecting him to custodial interrogation he was sent to judicial lock up, meaning thereby, he was no more required for further investigation. The investigation is still in progress and a report under Section 173(2) Cr.P.C is yet to be furnished in the Court of Jurisdictional Magistrate. However, it is an undisputed fact that neither the complainant nor any other person has sustained any fire arm injury. Though, the co-accused of the petitioner is stated to be at large and could not be arrested till date but for that reason, petitioner cannot be made to suffer, who is already cooling his heels behind the bars since October 15, 2016.

Taking into consideration the fact that the presentation of report under Section 173(2) Cr.P.C. as well as disposal thereof, would take considerable time, this Court is of the view that it would not be desirable to keep the petitioner behind the bars for an indefinite period.

In view of above, instant petition is allowed and petitioner is ordered to be released on bail at the satisfaction of learned trial Court/Duty Magistrate.

DECEMBER 13, 2016
sham

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*