

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

CRM M-13599 of 2017.

Date of decision: 30.05.2017.

Parminder

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Bijender Dhankhar, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Jitendra Chauhan, J. (Oral)

This is the second bail application filed under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking regular bail in case FIR No.397 dated 05.10.2016, registered under Section 307 read with Section 34 IPC and Section 25 of Arms Act at Police Station Murthal, District Sonapat.

The earlier bail application was dismissed as withdrawn on 01.03.2017.

It is contended that the challan stands presented. It is further contended that the trial is not progressing as the complainant has not been causing appearance before the trial Court as he is an accused in FIR under Section 302 IPC. He further refers to the zimny orders dated 30.03.2017, 04.03.2017 and 08.05.2017 to contend that none of the PWs has been appearing. It is asserted that the filing of the challan and non-appearance of the complainant before the trial Court are the fresh circumstances in favour of the petitioner.

Learned counsel for the petitioner further contends that on account of previous animosity between the parties, the complainant started throwing stones upon the petitioner. The petitioner to scare the complainant fired two shots. The first was fired in the air and the second landed on the left arm of the complainant.

On the other hand, the learned State counsel submits that the petitioner is specifically named in the FIR. He is the main accused who allegedly fired two shots. The complainant escaped the first one whereas, the second one landed on the left arm of the complainant.

Heard.

Considering the fact that challan stands presented and the trial is not progressing for non-appearance of the PWs, therefore, uncertainty has descended with regard to the completion of the trial, the petitioner is in custody since 06.10.2016, he is not involved in any other FIR, without commenting on the merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/duty Magistrate concerned.

Anything observed herein shall not be construed as an expression of opinion on the merits of the case.

30.05.2017.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No