

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

**Criminal Misc. No.M-24839 of 2017
Date of Decision: 02.08.2017**

Ravi

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

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

Present:- Mr. Kunal Dawar, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

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.410 dated 22.11.2016 under Sections 323/307/148/149/506/120-B IPC, Sections 216 and 325 IPC (added later on) and Section 25 of the Arms Act registered at Police Station NIT Faridabad, District Faridabad.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 26.11.2016 and the allegation against him is that he had fired gunshot at the complainant with country made pistol, which incidentally passed close to his ear and the complainant was closely

saved. However, the eyewitnesses namely Khem Chand in his statement under Section 161 CrPC made before the police, has nowhere suggested that any fire shot was made by the petitioner. In fact, this eyewitness has stated that he had heard loud noise and had seen that 4-5 boys were giving beatings to the complainant Kirparam with sticks.

On the other hand, learned State counsel, on instructions from ASI Parveen Kumar, submits that the petitioner is in the habit of indulging in such like activities and there are five more cases registered against him, though in FIR No.458/2013 under Sections 302, 149, 307 IPC and Section 25 Arms Act, P.S. Central and FIR No.19/2015 under Sections 302, 392/34 IPC and Section 25 Arms Act, P.S. Chhaisa, he has been acquitted and in other FIRs he is on bail. Therefore, considering the track record of the petitioner, he is not entitled for bail.

I have heard learned counsel for the parties.

It is not in dispute that the petitioner is in custody since 26.11.2016. As per the allegations, as mentioned in the FIR, the petitioner has fired a gunshot at the complainant, but the complainant was not injured with such gunshot and in fact, no empty cartridge has been recovered from the place of occurrence. Moreover, the eyewitness namely Khem Chand in his statement has nowhere stated that the petitioner ever fired a gunshot on the complainant. Considering the fact that the petitioner is in custody since 26.11.2016 and trial in the case may take long time, I deem it appropriate to release him on regular bail.

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

However, it is made clear that in case the petitioner indulges in any case of such or similar nature, the prosecution shall be at liberty to seek cancellation of his bail.

Needless to say that any observations made hereinabove shall not be construed as any expression on the merits of the case.

August 02, 2017
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No