

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

CRM No. M-26351 of 2017 (O&M)

Date of Decision: 11.09.2017.

Jasbir

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Bipan Ghai, Sr. Advocate with
Mr. Paras Talwar, Advocate,
for the petitioner.

Ms. Mahima Yashpal, AAG Haryana.

JITENDRA CHAUHAN.J.(ORAL)

The present petition has been filed under Section 439

Cr.P.C seeking regular bail in case FIR No. 13 dated 09.01.2017
registered under Sections 341 and 307 IPC and Section 27 of Arms Act
at Police Station Sadar Dadri, District Charkhi Dadri.

Learned Senior counsel for the petitioner contends
that the petitioner is in custody since 11.01.2017. Though, a gun shot
injury is attributed to the petitioner but the same was not on vital part of
the injured. It is asserted that despite the bailable warrants issued to
PWs Raj Kumar and complainant Kailash, they have not come forward
to depose before the trial Court. On the last date of hearing, the learned
State counsel assured this Court that efforts will be made to examine all
the material witnesses.

Learned State counsel, on instructions, states that
bailable warrants have been issued to secure the presence of PW
Kailash and PW Raj Kumar.

Learned Senior counsel refers to the order dated 08.09.2017 passed by Additional Sessions Judge, Charkhi Dadri wherein he has noticed that except PW ASI Ranjit Singh none was present. His statement was recorded and it is further recorded that PW Kailash, EHC Narender and PW Raj Kumar failed to appear despite the execution of bailable warrants. Therefore, bailable warrants were issued to secure the presence of above PWs.

Heard.

Considering the conduct of the PW Kailash complainant and the fact that despite best efforts, due to the conduct of the PWs, the trial is not progressing and considering the fact that the petitioner is not involved in any other case, without commenting on the merits of the case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/duty Magistrate concerned.

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

11.09.2017.
SN

(JITENDRA CHAUHAN)
JUDGE

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