

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

CRM -M-32401 of 2016 (O&M)

Date of decision: 22.02.2017

Bhag Singh @ Bhagu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Ram Niwas Kush, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

Jitendra Chauhan, J. (Oral)

By filing the present petition, under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No. 925 dated 23.10.2015, registered under Sections 147, 148, 307, 323 and 324 of IPC and Section 25 of the Arms Act, at Police Station Civil Lines, Hisar, District Hisar.

It is contended that co-accused allegedly threw chilly powder in the eyes of the complainant, however, the report of ophthalmologist has not come on record, therefore, the whole incident has become doubtful. As per FIR, the petitioner has fired two shots which landed on the left palm and another on the right leg of the complainant, however, there is no medical support to support the assertion. The petitioner is in custody since 05.12.2015.

On the other hand, learned State counsel opposes the bail application and states that the petitioner is a habitual offender and was involved in another 07 FIRs. However, he fairly admits that the petitioner has been acquitted in all the 07 FIRs.

I have heard learned counsel for the parties and perused the record.

Considering the above and the fact that the petitioner is in custody since 05.12.2015; out of total 17 Pws, none has been examined so far, therefore, it can be safely inferred that the trial is not likely to be concluded in the near future, without adverting to the merits of the instant 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 the trial Court.

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

22.02.2017

sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No