

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

**Criminal Misc. No.M-33383 of 2017
Date of Decision: 14.09.2017**

Rohtash @ Lallu

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

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

Present:- Mr. Abhinav Sood, 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.229 dated 12.9.2016 under Sections 285,307,506 read with section 34 IPC and 25 Arms Act, registered at Police Station Hassanpur, District Palwal.

Learned counsel for the petitioner contends that the allegation against the petitioner is that he along with co-accused Dinesh, who were armed with weapons and other assailants, who were armed with *lathies* and *dandas*, entered into an altercation with complainant - Tulsi Ram and have fired a bullet upon the complainant, which hit his left foot. He further submits that after the registration of the FIR, complainant namely Tulsi

Ram has furnished an affidavit (Annexure P-2) that it was Dinesh son of Sawlia who had fired the bullet on the foot of the complainant and name of the petitioner was got written in the FIR due to some misunderstanding.

Though learned State counsel does not dispute the aforesaid affidavit for the reason that it was never contested before the lower Court, however, he submits that merely because the petitioner has entered into a compromise with the complainant, should not be the basis to grant him bail.

Having heard learned counsel for the parties and considering the fact that the petitioner is in custody since 23.5.2017 and the complainant has submitted an affidavit to the effect that it was accused Dinesh who has fired the bullet which hit the foot of the complainant, coupled with the fact that trial in the case may take long time, I deem it appropriate to order release of the petitioner 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, the observations made hereinabove shall not be construed as any expression on the merits of the case.

September 14, 2017
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No