

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

Hemlata
2017.09.22 16:16
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CRM-M-33915-2017(O&M)

Date of decision: 22.09.2017.

Rajbir @ Raj

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. N.S.Shekhawat, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

Mr. Keshav Pratap Singh, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.199 dated 22.05.2017, under Sections 307, 506, 34 IPC and Sections 25 and 27 of Arms Act, registered at Police Station Barwala, District Hissar.

Learned counsel for the petitioner submits that with regard to the same incident, an FIR was got registered by the petitioner i.e. FIR No.202, dated 23.05.2017, under Sections 147, 148, 323, 324, 341, 506 IPC, registered at Police Station Barwala and in the cross version i.e. in the present FIR No. 199, dated 22.05.2017, registered at the instance of the complainant, the petitioner is the accused person. Learned counsel for the petitioner further argued that as per the version given in the FIR, the petitioner fired one gun shot and complainant-Pardeep suffered pellets hit on his arm. Learned counsel for the petitioner has referred to the opinion given by the doctor (Annexure P-6) where the said injury has been stated to be simple. It is also submitted that the injuries sustained by the other injured-Krishan are also found to be simple as per opinion of the

doctor (Annexure P-7). It is further submitted that in this incident, the petitioner has also suffered injuries which have not been explained by the prosecution and it will be decided only during the course of the trial as to which party was aggressor and which party acted in self defence.

On the other hand, learned State counsel on instructions from ASI Jai Bhagwan, and assisted by the learned counsel for the complainant, has opposed the prayer for the bail on the ground that the petitioner has caused fire armed injury to the injured-Pardeep.

Since there are cross cases and the injuries attributed to the petitioner is simple as per the opinion given by the doctor and that the trial is likely to take some time to conclude, without commenting on the merits of the case, the present petition is allowed. Petitioner be enlarged on regular bail subject to his furnishing bail / surety bonds to the satisfaction of the Chief Judicial Magistrate/ duty Magistrate, Hissar.

(ARVIND SINGH SANGWAN)
JUDGE

22.09.2017
Hemlata

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