

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

CRL. MISC. No.M-5995 OF 2017 (O&M)
DATE OF DECISION : 20th JULY, 2017

Ayush @ Minky

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. Sumeet Goel, Advocate for
 Mr. Ravinder Hooda, Advocate for the petitioner.

 Ms. Tanushree Gupta, DAG, Haryana.

 Mr. Rohit, Advocate for
 Mr. Kunal Dawar, Advocate for the complainant.

* * * *

A. B. CHAUDHARI, J. (ORAL)

CRM-17843-2017

The application is allowed and the opinion regarding injured/complainant Annexure P-12 & P-13, are taken on record, subject to all just exceptions.

CRL. MISC. No.M-5995 OF 2017

The petitioner has filed this petition under Section 439 Cr.P.C. seeking regular bail in FIR No.466 dated 30.10.2016 registered under Sections 323, 325, 307 IPC and Section 27/54/59 of the Arms Act at Police Station Bhupani, District Faridabad.

Heard learned counsel for the rival parties.

The petitioner was arrested on 03.11.2016 and since then he is in jail as under trial.

Learned State counsel submits that there is no other case against the petitioner.

Learned counsel for the petitioner points out numbers of FIR against the complainant.

This Court had not accepted the prayer of petitioner for regular bail, since the victim and the complainant were not been examined. It is on that score the matter was adjourned from time to time. Now learned State counsel submits that the material witnesses and the complainant have been examined. I have seen the depositions of the witnessed placed on record by the petitioner today in Court.

Learned counsel for the complainant has vehemently opposed the grant of bail to the petitioner. He submits that though the fire arm injuries are on the leg the fact remains that the fire shots were fired from the pistol and therefore this is not a case of grant of regular bail.

Having perused the entire evidence of complainant as well as of Rahul and nature of injuries, I find that the shots were fired for threatening but not to commit murder. If the intention were to kill the victim then the shots would not have been fired on legs.

In that view of the matter, the petitioner is entitled to bail pending trial.

Bail to the satisfaction of the CJM/Duty Magistrate, Faridabad.

The trial Court, however, shall proceed with the trial, without influencing from the order of this Court and shall decide the same on its own merits in accordance with law.

20TH JULY, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned : Yes No

Whether Reportable : Yes No