

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

Crl. Misc. No. M-14050 of 2018

Date of Decision: 18.04.2018

Harjinder Singh

.....Petitioner

vs.

State of Haryana

.....Respondent

BEFORE:- HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Ish Puneet Singh, Advocate,
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

Mr. Vineet Chaudhary, Advocate,
for the complainant.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks regular bail in case FIR No.225 dated 12.08.2017 registered at Police Station Rania, District Sirsa under Sections 147, 148, 323, 365, 307, 120-B, 506 IPC and Section 25 of the Arms Act, 1959.

2. The case set up in the FIR is that the complainant and his co-villagers were cultivating their land when they were attacked by the accused persons. The petitioner was allegedly armed with a pistol while others were armed with *lathis*, *gandashis* etc. The petitioner is alleged to have fired a shot with his pistol which hit the complainant on his right foot.

3. Learned counsel for the petitioner submits that the FIR was registered two days' after the date of the incident which shows that some facts have been added. Moreover, Section 307 IPC is not attracted on the facts of this case as the complainant has allegedly suffered an injury on his

right foot and the same is not dangerous to life. Reference has also been made to Annexures P-6 to P-24 which are affidavits sworn by co-villagers wherein it is stated that no fire-arms were used in the incident that occurred on 10.08.2017. The petitioner has been in custody since 27.10.2017 and the investigation is complete. However, examination of PWs has not yet started. The trial is likely to take time to conclude and, therefore, no useful purpose would be served by keeping the petitioner in custody indefinitely.

4. The prayer for regular bail is opposed by learned State counsel as well as counsel for the complainant. It is submitted that as per the opinion of the doctor, the injury suffered by the complainant is actually a fire-arm injury and could not have been self-inflicted. Moreover, out of 13 witnesses, 6 are absconding. Section 307 IPC is attracted on the facts of this case as fire-arms would have been carried only with the intention to kill.

5. It is not in dispute that the petitioner was arrested on 27.10.2017. It is also not in dispute that the charges are yet to be framed. The injury alleged to have been caused by the petitioner is on a non-vital part of the body.

6. Thus, keeping in view the totality of the facts and circumstances of this case, I deem it appropriate to grant regular bail to the petitioner.

7. The petition is allowed and it is directed that the petitioner be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court.

April 18, 2018
poonam

(SUDHIR MITTAL)
JUDGE

Whether Speaking/Reasoned : Yes
Whether referred to Reporters : No