

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

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CRM-M-14675-2018

Date of Decision: 16.11.2018

Devender

...Petitioner

vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Shilak Ram Hooda, Advocate, for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN,J

Prayer in this petition is for grant of regular bail to the petitioner in case FIR No. 37 dated 16.01.2017 under Sections 307/452/506 IPC and 25 of the Arms Act, registered at Police Station Sadar Bahadurgarh.

Learned counsel for the petitioner submits that earlier the petitioner was granted interim anticipatory bail vide order dated 24.04.2017 passed in CRM-M-13801-2017 and he remained on interim anticipatory bail for a period of about four months and later on the said petition was dismissed on 08.09.2017.

Learned counsel for the petitioner further submits the petitioner has not misused the concession of anticipatory bail in the intervening period of about four months and he is in custody since 19.09.2017 and out of 19 prosecution witnesses, 12 PWs have been examined including the complainant and, therefore, there is no possibility that the petitioner will tamper with the prosecution evidence in any manner. He further submits that though the FIR relating to the death of his father registered against the complainant party was cancelled, however, he has filed a complaint/protest petition in which some prosecution evidence has been recorded.

As per the allegations in the FIR, the petitioner had caused injuries to the complainant and his brother Surrender on account of verbal duel between his father Bhagwan Singh with the complainant party.

Learned State counsel, on instructions from SI Rajbir Singh, has not disputed the factual position. He, however, opposed the prayer on the ground that two persons are injured on account of fire shots by the petitioner.

Without commenting anything on the merits of the case, considering the fact that petitioner has not misused the concession of anticipatory bail; he is in custody since 19.09.2017; 07 prosecution witnesses are yet to be examined and conclusion of the trial will take long time, the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate concerned.

16.11.2018
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No