

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2163-2018
Date of decision: 24.01.2018

Sandeep

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Kulvir Narwal, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.233 dated 18.05.2017 under Sections 307/201/506/34 IPC and Section 25 (54) of Arms Act, registered at Police Station Meham, District Rohtak.

Learned counsel for the petitioner submits that as per the allegations in the FIR, the complainant was drinking liquor outside the liquor vend and a boy came there on motorcycle and also started taking liquor there. On inquiry, he disclosed his name as Sandeep and informed that his brother is a Head Constable and later both the persons exchanged hot words. Thereafter, the petitioner left the place and came back along with two boys and gave beatings to the complainant and thereafter, the petitioner shouted to co-accused Sethi (Dharampal) to fire a shot at the complainant and it hit him on the left lower leg muscle. Counsel for the petitioner further submits that as per the allegations

levelled in the FIR, on the face of it, it is a case of sudden provocation and the complainant and petitioner were not known to each other previously.

Learned counsel for the petitioner has submitted that the petitioner is in judicial lockup since 25.09.2017 and his co-accused Dharampal has been granted the concession of regular bail by Additional Sessions Judge, Rohtak vide order dated 08.01.2018 (Annexure P-3) and another co-accused Monu has also been granted bail by the Additional Sessions Judge. Counsel for the petitioner has referred to injury No.1 of complainant in the MLR as well as the opinion given by the doctor, who stated the same to be simple in nature. This injury No.1 is the corresponding injury, which was received by the complainant on his left leg. It is further submitted that there is a delay of 06 days in registration of FIR and the same has not been explained as the complainant has himself stated in the FIR that after consultation with his family members, he recorded the statement forming basis of registration of the FIR.

Learned State counsel has filed the custody certificate dated 23.01.2018 and as per this custody certificate, the petitioner is in judicial lockup for the last 03 months and 27 days and is not involved in any other case. Learned State counsel, on instructions from ASI Suresh Kumar, has submitted that investigation in this case is complete, challan has been presented and charges have been framed, however, the prosecution evidence is yet to start.

Without commenting on merits of the case, considering the fact that there is a delay of 06 days in registration of FIR; injury No.1, as per the medical opinion, is stated to be simple in nature; two co-accused of the petitioner have already been released on regular bail; investigation is complete and the petitioner is not required for any custodial interrogation and also in

view of the fact that conclusion of trial will take long time, this petition is allowed and the petitioner is directed to be released on bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

24.01.2018
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No