

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

CRM-M-34861-2018

Date of decision:03.10.2018

Pawan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Rakesh Kumar Lathwal, Advocate
for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G., Haryana
assisted by ASI Dinesh Kumar,

GURVINDER SINGH GILL, J. (ORAL)

The petitioner seeks grant of regular bail in case registered vide FIR No.96 dated 03.04.2018 under Sections 307, 341, 506, 34 of Indian Penal Code, 1860 and Sections 25, 27, 30 of Arms Act registered at Police Station Barauda, District Sonipat.

The FIR was lodged at the instance of Monu who has alleged that on 13.04.2018 when he along with his brother Sunil was going towards his liquor vend, then a car came from their rear side and stopped

in front of their motorcycle and that Pawan & Amarjeet @ Kampi alighted from the car who were both having pistols in their hands. Pawan fired a shot from his pistol hitting the complainant on his left thigh. Amarjeet @ Kampi also fired from his pistol which went past the complainant's brother Sunil. Thereafter Pawan fired another shot which also went past the stomach of his brother.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that in any case out of the four injuries allegedly sustained by the complainant as per MLR, two are in the nature of lacerated wounds and that all the four injuries, in any case, have been declared as simple injuries.

The said position has not been disputed by the learned State counsel.

Learned counsel has further submitted that co-accused Amarjeet @ Kampi to whom an identical role had been attributed had already been granted regular bail by the trial Court and that in these circumstances, the petitioner also deserves to be released on bail on the grounds of parity.

On the other hand, the learned State counsel has submitted that involvement of the petitioner is apparent inasmuch as a pistol has been recovered from him and that the report of Ballistic Expert also shows that shot had been fired from the pistol in question. It has thus been prayed that the petitioner does not deserve the concession of bail.

Having considered rival submissions addressed before this Court and bearing in mind that all the injuries are simple in nature and

also that the co-accused Amarjeet @ Kampi who is also alleged to be armed with pistol and stated to have fired shot has already been released on bail, the petitioner deserves the concession of bail inter-alia on the ground of parity. Accordingly, petitioner-Pawan is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate Sonapat.

This petition stands accepted accordingly.

(GURVINDER SINGH GILL)
JUDGE

03.10.2018
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**