

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

CRM-M-36005-2018 (O&M)

Date of Decision:-11.9.2018

Krishan @ Kanha

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Aditya Sanghi, Advocate, for the petitioner.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

The petitioner-Krishan @ Kanha has filed this petition seeking grant of regular bail in respect of a case registered against him vide FIR No.865 dated 28.8.2017 under Section 307 read with Section 34 of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959 at Police Station Sadar Hisar, District Hisar, Haryana.

The FIR was lodged at the instance of Mohit, wherein it has been alleged that on 27.8.2017, when the complainant was going along with his grandparents in a swift dezire car and when he stopped in front of his house then Krishan @ Kahna and Abhijeet @ Jeet came there on a motorcycle. Krishan @ Kahna is alleged to have fired a shot from his pistol at the complainant with an intention to kill him, which hit his car. It is alleged that Abhijeet @ Jeet also fired a shot from his pistol, which also hit his car. It is alleged that both the aforesaid accused fired 4-5 shots and that complainant along with his grandparents hid in the car and thereafter the aforesaid accused fled away on the motorcycle.

Notice of motion was issued to the State.

The learned State counsel has opposed the same.

The learned counsel for the petitioner has submitted that a false FIR has been lodged inasmuch as although it is stated that the accused had fired with pistols from a close range but neither the complainant nor his grandparents are stated to have been injured, which clearly shows that the occurrence had not taken place at all. The learned counsel for the petitioner has further submitted that the petitioner is not involved in any other case and that in the present case, the complainant is yet to be examined and that there is every likelihood that he would try to intimidate the witness.

Having heard the learned counsel for the petitioner and also the learned State counsel, I find that it is a case where neither the complainant nor his grandparents, who were travelling in the car in question, have been hit or had received any injury.

The petitioner-Krishan @ Kanha has been behind bars since the last about one year. Since conclusion of trial will take some time, no useful purpose will be served by keeping petitioner behind the bars any longer. The petition, as such, is accepted. The petitioner-Krishan @ Kanha is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, Hisar.

This petition stands accepted accordingly.

11.9.2018

pankaj

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No

(Gurvinder Singh Gill)
Judge