

S.No.225

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

CRM-M-36950 of 2018 (O&M)

Date of Decision:04.09.2018

Anil Kumar

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Akashdeep Singh, Advocate
for the petitioner.

Mr. Karan Sharma, AAG, Haryana.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.36 dated 05.04.2018 registered under Sections 114, 148, 149, 307 IPC and 25, 54, 59 of Arms Act, 1959 (offence under Section 326 IPC added during challan, Section 25 of Arms Act deleted and Section 27 of Arms Act added) at Police Station Bapoli, District Panipat.

Counsel for the petitioner submits that admittedly, the place of occurrence is the shop/office of the present petitioner. The petitioner has not denied the fact that he fired the shot from his licenced revolver . The contention is that the shot was fired only in self defence apprehending danger to his life from the alleged assailants. It is further contended that the investigation of the case is complete. Challan has already been filed. The petitioner is in custody since 11.04.2018. He is not required for any purpose of investigation.

On the other hand, learned State Counsel, being instructed by ASI Rajbir Siungh, submits that although the investigation is complete and challan has been filed, however, the charge has not yet been framed in the case.

In view of the above submissions of counsel for the petitioner, the motive and defence of the petitioner would be a moot point to be decided in the trial. Therefore, without commenting further on the merits of the case, the present petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate, Panipat.

September 04, 2018
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No