

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-37687-2018 (O&M)

Date of Decision: 14.12.2018

Sachin @ Tony

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

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

Mr. D. Khanna, Addl. A.G., Haryana.

Mr. Shranav Katyal, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J (Oral)

This is the third petition preferred by the petitioner seeking regular bail pending trial in case FIR No.197 dated 31.05.2016 under sections 148/149/307/323/325/506 IPC and Section 25/27 of Arms Act, registered at Police Station, Bhuna, District Fatehabad.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Vishwamitra son of Ram Singh. Occurrence is alleged to be of 31.5.2016.

In so far as the present petitioner is concerned, he is stated to have fired a shot with a pistol and which hit on the left side of the chest of Sudhir. It has gone uncontroverted that the injury suffered by Sudhir has been opined to be simple in nature.

As per initial version of complainant Vishwamitra, it is co-accused Parveen, who fired a shot on the head of Vinod @ Manoj and which has attracted offence under Section 307 I.P.C. Complainant Vishwamitra has even been examined before the Trial Court and he has reiterated the initial version.

Learned State counsel as also counsel representing the complainant vehemently opposed the prayer for grant of bail by contending that the fire arm allegedly used by co-accused Parveen belonged to the present petitioner. That apart, there is stated to be a disclosure statement of the petitioner himself and as per which the pistol shots that were fired by him hit both Sudhir as also Vinod @ Manoj.

Having heard counsel for the parties, this Court is inclined to accept the prayer made in the petition.

Petitioner has faced incarceration since 2.6.2016 i.e. for a period in excess of 29 months.

The evidentiary value of the disclosure statement allegedly suffered by the petitioner would be an aspect to be considered by the Trial Court.

Co-accused Parveen and who had been attributed a fire arm injury on the head of Vinod @ Manoj thereby attracting offence under Section 307 I.P.C has been granted benefit of bail by the Apex Court by taking note of the fact that Parveen had already suffered a custody period in excess of one year.

It may also be opposite to take note that one Sanjay had been kept in column no.2 in the final investigation report but subsequently upon an application having been preferred under Section 319 Cr.P.C, Sanjay had been summoned to face trial as an additional accused. Resultantly, trial has started *de novo*.

Learned State counsel upon instructions from ASI Suresh Kumar has apprised the Court that out of 17 prosecution witnesses cited only 4 have been examined till date. Trial, as such, would take time to

conclude.

Complainant Vishwamitra has already been examined before the Trial Court.

In view of the above, petitioner is held entitled to bail. Petitioner be enlarged on bail subject to satisfaction of the Trial Court/Duty Magistrate.

It is, however, made clear that the observations made in this order are confined only as regards considering the prayer of the petitioner for grant of bail and would have no bearing on the merits of the case.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

14.12.2018

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No