

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

CRM-M-42257-2018 (O&M)

Date of Decision:-28.9.2018

Ashish

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rajesh Goyal, Advocate for the petitioner.

Mr. Navdeep Singh, Assistant Advocate General, Haryana.

GURVINDER SINGH GILL, J. (Oral)

The petitioner Ashish seeks grant of regular bail in a case registered against him vide FIR No.602 dated 6.7.2018 under Sections 307 and 334 of Indian Penal Code, 1860 at Police Station Model Town, District Panipat.

The FIR was lodged at the instance of Gaurav Kapoor who alleged that on the day of occurrence at about 11 P.M., he received call on his mobile phone from his friend Vishal who informed him about a quarrel and the complainant informed his brother Deepak Sharma about the same and they came out in the street. It is alleged that in the meantime Vishal Sharma came there. Thereafter, somebody came and informed Vishal that the person with whom he had a quarrel were following him and upon which the complainant advised Vishal to go home. It is alleged that in the meantime some persons came there running and the complainant went inside his home along with Deepak Sharma but the said persons fired three shots from their weapons but the complainant managed to save himself.

Notice of this petition was issued to the State. The learned State

counsel is opposing the petition.

The learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that neither his name figures in the FIR nor anybody is stated to have been injured despite the allegations that three shots had been fired from a firearm and which clearly indicates that a false and concocted version has been put forth in the FIR. On the other hand, the learned State counsel has submitted that it was in the subsequent statement of father of the complainant that the name of the present petitioner surfaced and in these circumstances there is no ground for grant of bail to the petitioner.

I have considered the rival submissions addressed before this Court.

In view of the fact that the petitioner is not named in the FIR and nor anybody is stated to be injured and also that the petitioner has been behind bars since the last about 2 months and challan has already been presented, no useful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands disposed of accordingly.

28.9.2018

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No