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

CRM-M No.43867 of 2017
Date of Decision: 08.01.2018

AjayPetitioner
Vs
State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Vikram Singh, Advocate,
for the petitioner.

Mr. Satish Saini, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.523 dated 07.08.2015, registered under Section 148, 149, 323, 307, 302 IPC and under Section 27/54/59 of Arms Act registered at Police Station Sadar Bahadurgarh, District Jhajjar.

The allegation against the petitioner is that in the fight between two families, he inflicted lathi blow on the elbow of right arm of Sumit. His father Sombir had fired a gun shot in the chest of brother of the complainant i.e. Ramesh. Ramesh ultimately died due to gun shot injury.

By referring to statements of complainant (PW2) and injured Sumit (PW3), learned counsel for the petitioner submits

that material witnesses have not supported the case of the prosecution.

The petitioner is the author of simple injury on the person of Sumit.

The petitioner is in custody since 09.08.2015.

Learned State counsel on instructions from ASI Ram Avtar has admitted the fact that the petitioner is the author of simple injury on the person of Sumit but he was the person at whose instance the quarrel took place.

Out of total 26 witnesses, 15 witnesses have already been examined.

Taking into consideration the totality of facts and circumstances of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be enlarged on regular bail, subject to his furnishing heavy bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

08.01.2018

jyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No