

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-45453 of 2018
Date of Decision: 16.11.2018

Sahil @ Vipul

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Amit Khatkar, Advocate
for the petitioner (s).

Mr. Ashok Muthreja, DAG, Haryana.

RAJ SHEKHAR ATTRI, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure (in short, "Cr.P.C".) for grant of regular bail to the petitioner in case FIR No.1190 dated 30.12.2016 registered for the offences punishable under Sections 302, 307, 148, 149 of Indian Penal Code (for short, "IPC"), Section 25 of Arms Act and Section 3(2)(v) of Scheduled Caste and Scheduled Tribe Act at Police Station City Jind.

Heard.

Learned counsel for petitioner submits that the name of the petitioner does not figure in the FIR.

Learned State counsel states that a country made pistol was recover and the same along with fired bullets marked BC/1, BC/2 and BC/4, lead slugs marked BC/3, BC/5 and those on test fired cartridges cases and slugs fired from Countrymade pistol W/1 was sent to the Forensic Science

Laboratory and it was reported as under : -

- “1. The Country made pistol marked W/1 (chambered for 12-bore cartridges) is a firearm as defined in Arms Act 54 of 1959. Its firing mechanism was found in working order.
2. .315” fired cartridge cases marked C/1 and C/2 have been fired from Countrymade firearm(s).
3. No opinion could be formed regarding the linkage of body of a 12-bore cartridge marked C/3 to in respect of Countrymade pistol marked W/1 due to lack of sufficient comparable individual characteristic marks as its metallic head was missing.
4. 7.65 mm cartridge case marked C/4 was found to be a fired cartridge case.
5. .315” fired bullets marked BC/1, BC/2 & BC/4 have been fired from non-rifled barrel/Countrymade firearm(s).
6. No definite opinion could be formed regarding the linkage/inter-linkage of lead slugs marked BC/3 and BC/5 in respect of Countrymade pistol marked W/1 due to lack of comparable individual characteristics marks.
7. Report in original from Serology Division is enclosed herewith.”

Learned State counsel has relied upon the deposition of PW1 Feroz Khan @ Fauji wherein it is stated that three persons namely Vikas @ Ashu @ Bona, Anil @ Lala and Ashish Khokhar came there having a pistol and from one motor cycle, accused Sombir and Bijender also came there having pistol in their hands and two more boys but the name of those boys were not named in the FIR. No test identification parade was got conducted.

Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Sahil @ Vipul son of

and surety bond to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

November 16, 2018

Paritosh Kumar

**(RAJ SHEKHAR ATTRI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No