

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-45987 of 2017
Date of decision : June 01, 2018

Daljit @ Jeeta

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. G.S.Sandhu, Advocate, for the petitioner

Mr. Paramjeet Singh, AAG, Haryana for the State

Fateh Deep Singh, J. (Oral)

This order shall dispose of second regular bail application under section 439 Cr.P.C. of petitioner Daljit @ Jeeta in case bearing FIR No. 163 dated 18.4.2016, under sections 148, 149, 307, 452, 216, 212 IPC and section 25 of the Arms Act, Police Station Safidon, District Jind.

The allegations as has been brought to the notice of the Court are that on 17.4.2016 complainant Narender Pal @ Bunty was in his house when it is alleged that the present petitioner accompanied by 7/8 persons all armed with weapons entered the house of the complainant and asked him that one Ashok Mandi wants to meet him and on inquiry by the

complainant, the co-accused of the petitioner started abusing and fired indiscriminately at the complainant side. The gunshot hit Shashi Pal in his abdomen and leg and one fire arm shot hit Chakarwarty on his shoulder and another fire hit Anil @ Mangu on his abdomen and Deepak on his arm. On raising alarm, the accused ran away. The petitioner was arrested on 14.12.2016.

The contentions of the counsel for the petitioner are that no specific role is attributed to the petitioner in the commission of offence and that he is in custody for the last more than one and half years and that the trial is not likely to be concluded in the near future, though on behalf of the State the same is stoutly opposed on the ground of heinousness of the offence and seriousness of the allegations contending that an injury by means of fire arms is opined to be dangerous to life.

Appreciating the submissions of the two sides, to the query of the Court though learned State counsel has placed on record medico legal report of injured Shashi Pal where opinion has been given that the gun shot injury was dangerous to life which was on the abdominal region. However, to the specific query of the Court, learned State counsel could not show to this Court any corroborative medical evidence by way of surgical notes or scan etc. to show if the injury has been caused. Thus a debatable issue having arisen as to applicability of section 307 IPC necessitating it being declared as dangerous to life. The petitioner is behind the bars since one and a half years and no specific role is attributed to him. Without adverting

to the merits of the case, in the light of the fact that trial is not likely to conclude in the near future, this Court is of the opinion that further detention of the petitioner in the present case is not warranted. Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Jind.

The present petition stands disposed off accordingly.

June 01, 2018
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No