

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-47854 of 2018

DATE OF DECISION: DECEMBER 18, 2018

ARVIND @ BHINDA

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. R.K. THIND, ADVOCATE FOR THE PETITIONER.
MR. SUKHDEEP PARMAR, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Arvind @ Bhinda who is in custody since his arrest on 10.10.2017 prays for grant of regular bail in case FIR No.266 dated 2.10.2017, under Section 323, 307, 506, 34 IPC and Section 25 of Arms Act, 1959, registered at Police Station Dabwali, Sirsa, pending trial.

The FIR was registered on the basis of statement of Sushil Kumar @ Chilly wherein it is alleged that on 26.9.2017, the complainant, Surinder Kumar @ Pandu and Nirmal had taken a liquor vend in their village from the Contractor and appointed two boys of the village as salesmen. It is further alleged that on 1.10.2017, when complainant was present at the shop, Arvind (petitioner) son of Udaypal and Parmod came there and demanded liquor. On the price of bottle, a dispute arose and the duo left the shop leaving behind threats of dire consequences. After some time, they came back from and on the asking of Parmod, Arvind (petitioner) fired a shot upon Sushil from his country made pistol and the pellets hit his

hands, chest and stomach. After the registration of the case, final report under Section 173(2) Cr.P.C. was submitted against petitioner Arvind, however, Parmod was found innocent.

Learned counsel for the petitioner has argued that the petitioner is in custody for more than a year and PW1, who is stated to be an eye witness of this occurrence has already turned hostile. Not only this, it is pointed out by the counsel for the petitioner that the prosecution has moved an application under Section 319 Cr.P.C. for summoning additional accused.

Learned counsel for the State, on the other hand, has opposed the bail application on the ground that the offence is serious. However, it is not disputed that PW1 Sonu has turned hostile and the prosecution has also filed application under Section 319 Cr.P.C. for summoning of accused Parmod, who was found innocent after investigation.

Considering the custody period of the accused, stage of the trial, as the Court is seized of the application under Section 319 Cr.P.C. which is likely to take some more time, therefore, further detention of the accused-petitioner is not justified. Without meaning any expression of opinion on the merits of the case, the petitioner is ordered to be released on bail, subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court.

The petition is allowed.

December 18, 2018
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No