

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52816-2018 (O&M)

Date of Decision:- 5.12.2018

Surender @ Kala

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Parveen Sharma, Advocate, for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G. Haryana.

GURVINDER SINGH GILL, J. (Oral)

Petitioner Surender @ Kala seeks grant of regular bail in a case registered against him vide FIR No.43, dated 21.1.2018, registered at Police Station Gohana City, District Sonipat, under Sections 307/34 IPC and Section 25 of Arms Act.

The FIR was lodged at the instance of Manish Kumar who has alleged that he sells eggs on hand-cart (rehri) and that on 20.1.2018, two young boys came on a motorcycle and asked him to prepare four eggs and consequently he gave four eggs to them and asked for price of the same i.e. ₹40/- but one of the boys asked the other to overpower the complainant and to take him to the street and to shoot him. It is alleged that both the boys took out the pistols and one of them fired at him with an intention to kill him and the shot touched palm of his left hand. It is further alleged that the other boy also pointed pistol at him but the pistol slipped from his hands and in

the meantime some other persons came there and the assailants fled away from the spot.

Notice of the petition was issued to State.

Learned counsel for the petitioner has submitted that he has falsely been implicated and that even if the allegations are taken to be correct, no offence under Section 307 IPC can be said to be made out as the only injury is on the left hand.

On the other hand, learned State counsel has submitted that since a lacerated wound was found on the left hand of the complainant and as per the MLR there is blackening as well, therefore, the allegations levelled in the FIR stand fairly substantiated and no case for grant of bail is made out.

Having considered rival submissions addressed before this Court and bearing in mind the nature of injury and the seat of injury and also the fact that the petitioner has been behind bars for the last about 9 months and that challan has since been presented, in my opinion, no useful purpose would be served by further detaining him 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 accepted accordingly.

December 5, 2018

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No