

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

211

CRM-M-53793-2018

Date of Decision:13.12.2018

**Mahesh**

.....Petitioner

**Versus**

**State of Haryana**

.....Respondent

**CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.**

**Present: Mr. Keshav Pratap Singh, Advocate,  
for the petitioner.**

**Mr. Manish Bansal, D.A.G., Haryana.**

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**HARI PAL VERMA, J.(Oral)**

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.123 dated 27.03.2018 under Sections 148, 149, 307, 427, 506 IPC and Section 25 of the Arms Act, 1959, registered at Police Station Hodal, District Palwal.

Learned counsel for the petitioner has argued that the petitioner is in custody since 10.11.2018 and no recovery has been effected from him. Moreover, present is a case of no injury. An FIR No.211/2018 under Sections 148, 149, 323, 452, 506 IPC and Section 25/54/59 of the Arms Act, Police Station Faridabad, has been registered against the accused by the same complainant-Dharam Pal. In this background, petitioner has falsely been implicated in this case. He has further argued that FIR No.934 dated 24.11.2018 under Sections 307, 323, 147, 149, 120-B IPC and Section 25 of the Arms Act, 1959, has also been registered at the behest of Tejinder (brother of the present petitioner Mahesh).

Learned State Counsel does not dispute the custody period. He further states that co-accused Sumit has been admitted on regular bail by this Court vide order dated 17.09.2018 passed in CRM-M-39622-2018 (Sumit Versus State of Haryana). He has argued that though no injury has been caused to the complainant, but the fact remains that the manner in which the petitioner has fired at the complainant, is sufficient enough to decline the concession of bail to the petitioner. There were as many as 5-6 bullet marks on the vehicle of the complainant.

I have heard learned counsel for the parties.

The petitioner is in custody since 10.11.2018 and co-accused Sumit has already been admitted on regular bail by this Court vide order dated 17.09.2018. No injury has been caused to the complainant, coupled with the fact that no recovery is required to be effected from the petitioner, therefore, without expressing any opinion on the merits of the case and considering the fact that trial in the case will take a considerable long time, I deem it appropriate to admit the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his adequate bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate.

However, it is made clear that the observations made hereinabove are restricted to the petition for bail only.

**December 13, 2018**

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**(HARI PAL VERMA)**

**JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No