

**Sr. No.220
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No. M-5527 of 2018 (O&M)

Date of Decision: 14.02.2018

Mohit

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Dr. Anand Kumar Bishnoi, Advocate,
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner seeks regular bail pending trial in case FIR No.351 dated 24.08.2017, under Section 307/34 IPC and Sections 25/27/54/59 of Arms Act, registered at Police Station Sadar Fatehabad, District Fatehabad, Haryana.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Jagdish in relation to an alleged occurrence dated 23.08.2017.

As per complainant's version while he along with his son, namely, Anup were sitting on a bench in front of the gate of their house, two boys with muffled faces came on a motorcycle and opened fire. Anup is stated to have received pellet injuries on the thumb and palm of his right hand and the complainant suffered some pellet injuries on the left side of his chest.

Present petitioner is sought to be implicated on the strength of statement recorded of Anup/injured on 01.09.2017.

The statement of Anup has been read out by learned State counsel in Court and as per which the present petitioner along with Narender, Sonu and Krishan had resorted to firing. In such statement Anup has even referred to a previous occurrence and wherein the accused party in the present case i.e. Narender, Sonu and Krishan had got lodged an FIR against Jagdish, Anup and two other persons and where offence under Section 307 IPC had been cited.

It has gone uncontroverted that during the course of investigation, the version set up by Anup has not been found to be totally truthful inasmuch as Narender and Krishan have been found to be innocent.

Recovery of a 12 bore firearm is stated to have been effected from co-accused Sonu. The recovery from the present petitioner is stated to be of a 32 bore country made pistol and 03 empty cartridges.

As per prosecution, the injuries suffered by the complainant/Jagdish and his son Anup are of pellet injuries.

Petitioner has faced incarceration since 13.09.2017.

Trial is still at the initial stage and would take time to conclude.

The offence whether made out under Section 307 IPC against the petitioner would be a moot question to be considered during the course of trial.

Without making any observations on merits, petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate, Fatehabad.

Disposed of.

14.02.2018
vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No