

215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54844-2018 (O&M)

Date of decision:17.12.2018

Rahul

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Kamal Chaudhary, Advocate
for the petitioner.

Mr. Vijesh Sharma, DAG, Haryana.

RAJBIR SEHRAWAT, J. (ORAL)

Present petition has been filed under Section 439 of Cr.P.C. for seeking bail pending trial in FIR No.52 dated 31.10.2018 for the offences punishable under Section 307, 34 of IPC and 25, 54, 59 of the Arms Act, registered at Police Station BPTP, District Faridabad.

Learned counsel for the petitioner contends that there is no injury caused to anybody in this incident. The only allegation is that the petitioner fired gun shot upon the complainant. However, to substantiate this allegation, there is no evidence on record. Still further, it is contended that otherwise, the matter stands compromised between the parties and the petition for quashing of the FIR has already been filed by the petitioner on the basis of the said compromise. Still further, it is contended that there is no other case against the petitioner. The petitioner is in custody since 31.10.2018 and he is not required for any investigation purposes. The trial shall take a long time.

On the other hand, learned State counsel, being instructed by ASI Sompal, submits that the petitioner has fired gun shot upon the complainant and therefore, he does not deserve to be released on bail.

Learned State counsel further submits that so far as the compromise is concerned, there is no compromise to the knowledge of the Investigating Officer. However, it is not disputed that there is no other case against the petitioner.

In view of the above, without commenting on the merits of the case, the present petition is allowed. Petitioner is granted the concession of bail pending trial. He be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate.

(RAJBIR SEHRAWAT)
JUDGE

17.12.2018
Hemlata

Whether speaking/reasoned	Yes / No
Whether reportable	Yes / No