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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1045-2019

Date of decision-16.01.2019

Sunil

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. S.S.Brar, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

Sunil has preferred this petition for grant of regular bail in case FIR No.198 dated 16.06.2018 under Section 307 read with Section 34 of Indian Penal Code and Section 25 of Arms Act registered at Police Station Rania, District Sirsa, Haryana. The petitioner is in custody since his arrest on 16.06.2018.

The FIR was recorded on the statement of complainant-Ramesh Kumar wherein it was narrated that he received an information from Gurdial Singh son of Pala son of Santokh Singh that Raju son of Tarsem Singh had fired upon his son, namely, Jatinder Kumar. The complainant along with others reached the place where the victim was lying with the gun shot injury. Thereafter, he was taken to the hospital. It is further narrated that his son informed him that Raju son of Tarsem Singh and his friends called him at

and took him to Khaira and fired upon him with intention of killing.

During investigation, statement of injured was recorded wherein the name of the petitioner was introduced with the allegations that he was accompanying the accused Raju. On the basis of statement of victim, the petitioner-Sunil was also arraigned as an accused. According to the statement of the victim under Section 161 Cr.P.C., the petitioner is attributed kicks and fist blows. It is not in dispute that victim has only two injuries i.e. gun shot injury at his abdomen.

Learned counsel for the petitioner contends that the investigation of the case is complete and challan stands filed and the charges have been framed on 14.11.2018. However, no witnesses have been examined till date. It is further pointed out that the injury which is dangerous to life is attributed to co-accused Raju. It is further argued that the element of sharing intention is a matter of evidence in trial.

On the other hand learned counsel for the State has opposed the bail on the ground that the offence is of grave nature, however, it is not disputed that gun shot injury is attributed to Raju only. On instructions from SI Anil Kumar, it is conceded that no witness has been examined though there are 17 witnesses in all cited to be examined by the prosecution.

Without commenting upon merits of the case and considering the role attributed to the petitioner; the custody period and the fact that the trial is likely to consume some more time, further detention of accused is not justified. The petitioner, namely, Sunil is ordered to be released on regular bail subject to his furnishing the requisite bail bonds and surety bonds to the

satisfaction of the concerned trial Court.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

16.01.2019

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No