

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.-M-1982 of 2019
Date of Decision: March 12, 2019.

Khalid

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU.

Present: Mr.Jitender Dhanda, Advocate, for the petitioner.

Mr.Yashwinder Singh, DAG, Haryana.

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Mahabir Singh Sindhu, J. (Oral)

The present petition under Section 439 Cr.P.C. has been filed praying for grant of concession of regular bail pending trial to the petitioner in case FIR No.253 dated 01.08.2018 registered under Sections 323, 307. 34 IPC and Section 25/54/59 of the Arms Act, 1959, Police Station Ferozepur Jhirka, District Nuh.

As per the allegations of prosecution, complainant was present near water tank in village Biba on account of electricity failure and that time 3-4 unknown persons came there and attacked him. One of them fired a shot with a fire-arm weapon which hit on left side of his chest. It is alleged that he did not know who were the assailants as they were unknown persons.

It is contended by learned counsel for the petitioner that since the complainant as well as eye witnesses have been examined as PW-1, PW-2 & PW-3, respectively, but none of them has supported the prosecution version. Also contended that petitioner is in custody since 05.08.2018 and out of 11 prosecution witnesses only 3 have been examined till date.

The above factual position is duly acknowledged by the learned State counsel, but he opposed the bail primarily on the ground that there is gun shot injury caused to the injured-complainant and FSL report is yet to be received.

Heard both sides and perused the paper book.

Photocopy of the testimony of PW-1 is also perused and the same reveals that it is categorically stated by the injured himself before learned trial court that he did not name the assailant and the accused present in the Court was not one of the assailants who attacked him on the date of occurrence. Similarly, PW-2 and PW-3, eye witnesses, also did not support the prosecution case.

In view of the above-said circumstances, without expressing any opinion on the merits of the case, this petition is accepted and the petitioner Khalid son of Aas Mohd. be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court.

March 12, 2019
mohinder

(MAHABIR SINGH SINDHU)
JUDGE

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