

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-7652-2019 (O&M)
Date of Decision:-23.5.2019

Vishal

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rahul Jaswal, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.0408 dated 4.7.2018 registered at Police Station Samalkha, District Panipat under Sections 323, 342, 506 and 34 of Indian Penal Code, 1860 and Sections 25, 54 and 59 of Arms Act, wherein offence under Section 307 IPC was added later on.

The FIR came to be lodged at the instance of Ravi, wherein it has been alleged that on the day of occurrence i.e. on 3.7.2018, when he alongwith Dinesh and Jaibir were passing though the '*phirni*' of the village, then they were attacked by Moni, Vishal, Ankit and some other persons of

their village. It is alleged that Moni stopped their car and when they alighted from the car, then he fired upon the complainant with his pistol but the shot hit the right foot of Dinesh. It is alleged that, thereafter, the accused left the place of occurrence while threatening them that they would be killed when they get a chance.

The learned counsel for the petitioner has submitted that in the present case, it is only co-accused Moni, who is attributed an injury and that the petitioner, in any case, is not alleged to have caused any injury to the complainant or to anybody else.

Opposing the petition, the learned State counsel has submitted that since the name of the petitioner figured in the FIR and he was present alongwith the main accused, no case for grant of bail is made out. It has, however, been informed that on the last date before the trial Court, examination-in-chief of the complainant Ravi has been recorded. It has further been informed that the petitioner, till date, has been behind bars since the last more than nine months. It has also been stated that only 1 prosecution witness out of the cited 25 prosecution witnesses has been partly examined.

Having regard to the facts and circumstances of the case and while noticing that the petitioner is not attributed any injury and has been behind bars since the last more than nine months and only 1 prosecution witness out of the cited 25 prosecution witnesses has been partly examined so far, in my opinion, no useful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted and the petitioner Vishal is ordered to be released on bail subject to his

furnishing bail bonds/surety bonds to the satisfaction of trial Court/Chief
Judicial Magistrate/Duty Magistrate concerned.

The petition stands accepted accordingly.

23.5.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No