

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9714-2019
Date of decision: 23.05.2019

Aman

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sandeep Kumar, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.886 dated 20.10.2018 under Sections 148, 149, 307, 323 IPC and Sections 25/54 of Arms Act, registered at Police Station Assandh, District Karnal.

Learned counsel for the petitioner submits that the petitioner is in custody since 21.10.2018 and no firm-arm injury was suffered by any of the complainant/victim and the only allegations are that the petitioner has fired three shots, which did not hit the complainant. Learned counsel has relied upon the order dated 05.03.2019 passed in CRM-M-8902-2019, vide which regular bail was granted to co-accused Akash @ Candy, from whom, weapon of offence was recovered. The operative part of the order reads as under: -

“Learned counsel for the petitioner submits that as per allegations in the FIR, on 19.10.2018 at about 4.00 pm, complainant Rajpal's

uncle Ram Kumar had gone to the village pond along with his buffaloes and on the way, co-accused Rahul dumped sand/bajri in front of his house and he made a complaint that the buffaloes of his uncle Ram Kumar have destroyed/damaged the sand/bajri and said Rahul gave beating to his uncle Ram Kumar. Thereafter, Surjit son of Rajpal came there and a scuffle took place between Surjit and the petitioner. In the meantime, Rahul called other persons namely Aman, Candy, Sandeep, Anil, Akash, Govind and Sooraj and on their arrival, Aman fired three shots from a pistol on the complainant in order to kill him, but he rescued himself by entering into his house. It is further submitted that as per MLR of the complainant, no bullet injury was found on any person from the complainant's side and only the complaint of pain on shoulder is reported.

Learned State counsel, on instructions from SI Daya Nand, has submitted that in the disclosure statement of Aman and petitioner Akash @ Candy, it has come that they have purchased a weapon from UP, which was used in this incident, however, no satisfactory reply could be given as to how the incident, which has taken place on 19.10.2018 at 4.00 pm and both the petitioner Akash @ Candy as well as co-accused Aman, upon calling by Surjit, had reached at the spot and Aman fired the shot, in a short span of time, how they have procured this weapon from UP.

Without commenting anything further on merits of the case, considering the fact that the petitioner is not involved in any other

case; he is in custody since 15.11.2018; challan has already been presented and custodial interrogation of the petitioner is no more required, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.”

Learned State counsel, on the basis of custody certificate dated 23.05.2019 filed in the Court today, has not disputed the fact that the petitioner is in custody for the last 07 months and 02 days and is not involved in any other case. Learned State counsel, on instructions from SI Krishan Kumar, has however submitted that nobody was injured by the fire shots, which were attributed to the petitioner.

Without commenting anything on merits of the case, considering the aforesaid arguments raised by learned counsel for the parties, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

23.05.2019
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No