

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19258-2019
Date of decision: 03.05.2019

Sukhbir

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Kanwar Satbir Singh, 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.760 dated 23.11.2017 under Section 307 IPC and Sections 25/54/59 of Arms Act, registered at Police Station City Bahadurgarh, District Jhajjar.

Learned counsel for the petitioner submits that as per allegations in the FIR, complainant-injured Dharampal stated that on 23.11.2017, he had come to attend the marriage ceremony of son of his cousin Chand Devi, where an altercation took place between him and Sukhbir and he (petitioner) took out a pistol and tried to shoot Sombir, when the complainant caught hold his hand and in that process, Sukhbir fired a shot, which hit on the hand of the complainant and then he fled away.

Learned counsel for the petitioner further submits that the petitioner is in custody since 29.01.2018; he is not involved in any other case

and both complainant-injured Dharampal as well as eye-witness Sombir have been examined as PW1 and PW2 respectively. Learned counsel has referred to the statement of PW1, where he has stated that Sombir and Sukhbir were grappling with each other and when he intervened the dispute, a gun-shot hit on middle finger of his right hand. Except that, he do not know anything about the dispute. This witness was declared hostile by the Public Prosecutor. In the statement of eye-witness PW2 Sombir, it has come that the petitioner was carrying a pistol and was shouting that he would fire. This witness has further stated that he interrupted the petitioner and asked him not to fire as the same may hit somebody and he along with Dharampal and his cousin sister Chand Devi tried to capture the pistol from Sukhbir and in that process, it fired, which hit Dharampal on the middle finger of his right hand and the same took place in the process of grappling with each other and petitioner Sukhbir has not fired upon Dharampal intentionally. It is further submitted that except these two witnesses, there is no other witness and out of total 18 prosecution witnesses, 13 have already been examined and only the official witnesses remain to be examined.

Learned State counsel, on instructions from the Investigating Officer, who is present in the Court, could not dispute the factual position, however, has submitted that four more witnesses are summoned for 09.05.2019 and they are the official witnesses.

Without commenting anything further on merits of the case, considering the fact that the petitioner is in custody since 29.01.2018; complainant and the eye-witnesses have already been examined and they have not fully supported the prosecution version, 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/Illaqa Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

03.05.2019

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No