

210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47117-2018
Date of decision-21.01.2019

Hamir Singh

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Atul Lakhanpal, Senior Advocate with
Mr. Amit Choudhary, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana assisted by
ASI Ramesh Kumar.

Mr. J.S.Rana, Advocate for
Mr. Vinod S.Bhardwaj, Advocate for respondent No.2.

MANOJ BAJAJ, J.

Hamir Singh son of Gurdayal Singh has prayed for grant of regular bail in case FIR No.270 dated 28.05.2018 under Sections 285 and 307 of Indian Penal Code, 1860 and Sections 27 and 54 of Arms Act, 1959 registered at Police Station Ratia, District Fatehabad. The petitioner is in custody since his arrest on 28.05.2018.

The FIR was recorded on the statement of Vidhi Chand, with the allegations that on 27.05.2018, he along with his grandmother went to the house of his cousin-Bhim Singh and stayed there for an hour and 30 minutes. At about 9.00 P.M., when he was about to leave, his cousin came out to see him off. All three were standing outside, then Mehar Singh son of Ginder Singh started abusing them. At this stage, Hamir Singh son of

Gurdayal Singh with his grandson Devender son of Raj Singh came there with his double barrel gun. According to the complainant, he fired a shot in the air and all the three ran inside the house to save their lives. It was alleged that Hamir Singh fired another shot with an intention to kill and the pellets hit on the back side of complainant-Vidhi Chand and Gurmit Singh.

Learned Senior counsel for the petitioner has contended that investigation of the case is complete and challan stands filed on 31.07.2018. It is pointed out that there is a cross-version also recorded in which a complaint already stands filed by Charanjit Kaur against Vidhi Chand and others which is pending before the trial Court. Learned Senior counsel further invited attention of this Court to the MLR of the petitioner to contend that the injuries suffered by him are also gun shot injuries.

On the other hand, learned State counsel assisted by ASI Ramesh Kumar has opposed the bail application on the ground that the offence is of grave nature. It is argued that the petitioner had fired two shots and the second shot had caused injuries to the injured Vidhi Chand and Gurmit Singh. The MLR of the injured reveals that nature of the injuries is a result of a gun shot injury. However, it is not disputed that out of 19 witnesses only two witnesses have been examined so far. It is conceded that Vidhi Chand and Gurmit Singh failed to appear before the Court for recording their statements despite various opportunities and the trial Court has issued bailable warrants for Vidhi Chand.

Considering the above, custody of the petitioner as well as the advanced age of the petitioner who is stated to be 80 years old, further

detention of the petitioner may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, petitioner is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

21.01.2019
vanita

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