

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-48726 of 2018

DATE OF DECISION:-22.01.2019

VIKRANT @ VICKY

...PETITIONER...

V.

STATE OF HARYANA

...RESPONDENT...

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Narender Pal Bhardwaj, Advocate,
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 439 Cr.P.C. prayer has been made for grant of regular bail to the petitioner in a case arising from FIR No.466 dated 30.12.2017, registered under Sections 148, 149, 307 IPC and Section 25 of the Arms Act, 1959 at Police Station Ladwa, District Kurukshetra.

According to the prosecution, in the night of 29.12.2018, petitioner along with co-accused Deepak, Arun, Vipin, Jitender, Chhotu Ram and Sanju fired upon Labh Singh resident of Village Mehra, District Kurukshetra, with intention to kill him. One of the fire hit left side femur of the complainant and crossed the other side.

Learned counsel contends that there is no FSL report on the record showing that empty shell of the bullet had matched with the alleged fire arm recovered by the police. The son of the complainant,

who is alleged to have witnessed the occurrence is not intentionally

appearing in the Court. Therefore, his non-bailable warrants have been issued by the trial court. Dr. Sonali (PW-5) testified before the court that police did not seek any opinion from her about the nature of injuries suffered by the complainant on thigh. The complainant had admitted in hospital on 30.12.2017 and was discharged on the very next date. There is no evidence on the record from which it can be inferred that petitioner had caused grievous injury to the complainant, which could have been fatal and dangerous to life, but for timely aid. The petitioner is in custody since 08.02.2018. Conclusion of trial may take a sufficient long time. No useful purpose would be served by detaining the petitioner in jail any more during trial.

On the other hand, learned State counsel has vehemently opposed the grant of regular bail to the petitioner.

Having given thoughtful consideration to the rival submission and that conclusion of trial may take sufficient long time, but without commenting on the merits of the case, the petition is allowed. Consequently, petitioner is ordered to be released on interim bail till conclusion of trial, on his furnishing bail bonds and surety bonds to the satisfaction of Trial Court/Duty Magistrate concerned.

22.01.2019

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(RAMENDRA JAIN)
JUDGE

whether speaking/reasoned:**Yes/No****whether reportable:****Yes/No**