

234 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M -24942-2019

Date of Decision : August 26, 2019

Sunil @ Shila

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Ravinder Singh Dhull, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition filed by the petitioner for grant of regular bail to him under Section 439 of the Code of Criminal Procedure in FIR No.82 dated 30.3.2017, for offence punishable under Sections 307, 34 IPC and Section 25 of the Arms Act, registered at Police Station Julana.

Counsel for the petitioner submits that as per the allegations in the FIR registered at the instance of Surat Singh that on 30.3.2017 his son Naresh had gone out of his house and he was sitting in his house. In the meantime, he heard the sound of fire crackers and when he reached outside, he saw that Sandeep @ Kala was having a pistol in his hand and two other boys were on motorcycle. His son Naresh started running in the street, whereas the three boys followed him and then Sandeep @ Kala fired a shot from the pistol, which hit on

the left hip of his son. The other boys also fired, but the same did not hit his son. In the meantime, a number of persons gathered there and Sandeep @ Kala, alongwith his co-accomplices ran away from the spot on their motorcycle.

Counsel for the petitioner further submits that the petitioner is not named in the FIR and the only specific allegation against Sandeep @ Kala is that he had fired the shot which hit his son, who sustained injuries. Counsel for the petitioner further submits that complainant-Surat has been examined as PW9, who has not supported the persecution version and has not even identified the accused persons, who are present in the Court and he was declared as hostile. Counsel for the petitioner further submits that even the injured witness has not supported the prosecution version.

Counsel for the petitioner further submits that both injured and the eye witnesses have been examined and that the petitioner has not been extending any threat to the complainant's witnesses. He further submits that the petitioner is in custody for the last 01 year, 04 months and 11 days and it will take some time for conclusion of the trial.

Learned State counsel, on instructions from SI Parveen, has not disputed the factual position on the basis of the custody certificate and that the petitioner is not involved in any other case.

Without commenting anything on merits of the case; considering the fact that the complainant as well as the injured have not supported the prosecution version and in view of the fact that the

petitioner is in custody for the last 01 year, 04 months and 11 days and was not named in the FIR, this petition is allowed and the petitioner is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

August 26, 2019
satish

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No