

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.29275 of 2019
DATE OF DECISION : 17th JULY, 2019

Naveen

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Lekhraj Nandal, Advocate for the petitioner.

Mr. M. K. Sangwan, Deputy Advocate General, Haryana.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.12 dated 19.01.2018 registered under Sections 307 & 34 IPC and Section 25 of the Arms Act, 1959 at Police Station Lakhna Majra, District Rohtak.

Learned counsel for the petitioner contends that the case against the petitioner is false and frivolous. Although the allegation against the petitioner is that he fired a shot upon the complainant, however, no weapon has been recovered from the petitioner in this case. It is further submitted that even as per the case of the complainant, the petitioner is alleged to have caused injury to the complainant on his left wrist, which is a non-vital part. It is further submitted that the petitioner is in custody since 31.10.2018. Charge has already been framed in this case. Therefore, the petitioner is not required for any investigation purposes.

On the other hand, learned counsel for the State, being instructed by ASI Balraj, submits that the petitioner is habitual offender.

He is involved in another case for offence under Section 307 IPC as well. It is not disputed that the injury alleged by the complainant is only on non-vital part of the body.

As response to the arguments of the counsel for the State, the counsel for the petitioner submits that although even the second case was framed falsely against the petitioner, however, he would face the consequences of that case, if any, independently. But so far as the present case is concerned, there is no evidence against the petitioner as such.

In view of the above, but without commenting upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/sureties to the satisfaction of the trial Court/Duty Magistrate.

17th JULY, 2019
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>