

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

CRM-M-29585-2019

Date of decision:19.7.2019

NAVEEN KUMAR

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Saurabh Bajaj, Advocate
for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G., Haryana.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.129, dated 18.4.2018 under Sections 148, 149, 323, 427, 506, 307 IPC and Section 25 of Arms Act at Police Station Model Town, District Rewari.
2. The FIR was registered at the instance of Sunita, wherein she alleged that on the day of occurrence 18-19 young boys who had come on motorcycle and other two-wheelers, entered her house by breaking the doors and windows with the help of sticks and stones while raising '*Lalkara*' that they would kill all of them. Some of the accused have been named in the FIR as Naveen, Harkesh, Sunil,

Sunder, Malku Gujjar, Prem, Ajay, Seda, Manish, Yogi Chauhan Sunder, Deep Boswal, Kali, Sant Ram Gujjar @ Khabri and one more boy who was resident of Talab Gujjarwala. It is alleged that Naveen took out a pistol and fired a shot from the same but the same missed the complainant. Thereafter Harkesh is stated to have given a stick blow on the head of the complainant. It is alleged that the complainant's husband dragged her into the bathroom and locked the same and that the accused desperately tried to break the door but were unable to do so and thereafter they damaged valuable articles in their house.

3. Learned counsel for the petitioner has submitted that although it is alleged in the FIR that the petitioner was carrying a pistol and had fired but no person is stated to have been injured with the alleged shot. It has further been submitted that in any case the challan has already been presented and since some of the co-accused including Harkesh have already been granted bail, the petitioner also deserves concession of bail on the ground of parity.
4. Opposing the bail application, learned State counsel has submitted that the petitioner is not only specifically named in the FIR but he is also alleged to have fired a shot from his pistol and thus prayed that no case for grant of bail is made out. It has however not been disputed that nobody was injured from the shot allegedly fired by the petitioner. It has also been informed that challan has already been presented but only 4 PWs out of cited 24 PWs have been examined.

5. Having considered rival contentions addressed before this Court and without commenting anything on the merits of the case and while noticing that till date only 4 PWs out of cited 24 PWs have been examined, in my opinion, no fruitful purpose would be served by further detaining the petitioner behind bars as the conclusion of trial, in its normal course, is likely to take some time. The petition, as such, is accepted and it is ordered that petitioner be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

(GURVINDER SINGH GILL)
JUDGE

19.7.2019
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No