

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

**CRM-M-31115-2019
Date of decision: 31.10.2019**

Ajay

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. S. K. Panwar, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

Mr. K. S. Virk, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 0084 dated 09.02.2019, registered under Sections 34 and 307 of the IPC and Section 25 of the Arms Act, 1959 at Police Station City Ballabhgarh, District Faridabad.

Learned counsel for the petitioner submits that ass per the allegations in the FIR, registered on the statement of complainant Shubham Kapasia, it is stated that he is a student of B.B.A. in a college at Faridabad and he, along with his three friends, was standing in the college when they had an altercation with three/four boys and one of them, namely petitioner Ajay, who used to come their college, opened fire by taking out his country made pistol, however, he escaped. Thereafter, the complainant ran away and the petitioner followed him and fired another shot which on the right foot of

the complainant.

Learned counsel for the petitioner submits that in fact the petitioner had gone to the college for the purpose of taking admission where the present incident took place.

Learned counsel for the petitioner further submits that the complainant, who appeared as PW-7, has not supported the prosecution version and he was declared hostile by the public prosecutor. It is further submitted that during cross-examination by the public prosecutor, this witness stated that the petitioner is not the person who has fired gun shot on him and the petitioner is not the assailant.

Learned State counsel has filed the affidavit of the Commissioner of Police, Faridabad along with statement of complainant/PW-7 and has not disputed the factual position that the complainant has not supported the prosecution version. This fact is not disputed even by learned counsel for the complainant.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody since 09.02.2019; the complainant, while deposing in Court as PW-7, has not supported the prosecution version and also in view of the fact that conclusion of trial is likely to take some time, the present petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

31.10.2019

Waseem Ansari

*Whether speaking/reasoned
Whether reportable*

(ARVIND SINGH SANGWAN)

JUDGE

*Yes/No
Yes/No*