

221 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43076-2019
Date of decision-06.12.2019

LakhanPetitioner
Vs.
State of Haryana and others ...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Abhimany Singh, Advocate for the petitioner.
Ms. Tanushree Gupta, DAG, Haryana.
Mr. Arun Dulgach, Advocate for respondent Nos.2 and 3.

MANOJ BAJAJ, J.

Petitioner-Lakhan has prayed for grant of regular bail under Section 439 Cr.P.C in case FIR No.109 dated 24.03.2019 registered under Sections 114, 307, 323 and 506 read with Section 34 of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959 at Police Station Hathin, District Palwal. The petitioner is in custody since his arrest on 01.08.2019.

Complainant-Devender Kumar got registered FIR in question wherein it was alleged that when he was filling the foundations of his plot, a quarrel took place between complainant and his neighbour Parkashvir, Geeta Devi, Yashvir and Lakhan (petitioner). They all caused injuries to complainant's wife and sons. Thereafter, Lakhan brought his pistol and fired gun shot which hit complainant's wife. On these broad allegations FIR was registered.

Learned counsel for the petitioner contends that complainant is real uncle of the petitioner. As per the allegations, his wife, namely Rani

Devi suffered gun shot injury at the hands of the petitioner. It is contended that earlier the concession of per-arrest bail was granted to the petitioner by this Court vide order dated 13.05.2019 in CRM-M-19974-2019. However, the same was finally dismissed on 04.07.2019. He contends that pursuant to the orders of this Court, the petitioner had joined the investigation and the same is complete and the final report stands filed. He submits that trial of the case is likely to consume considerable time, therefore, further custody of the petitioner may not be justified.

Learned counsel for the complainant states that he does not oppose the prayer as the parties have entered into compromise.

At this stage, learned State counsel assisted by ASI Fateh Singh opposed the prayer. She states that considering the nature of the offence, compromise is meaningless. However, it is not disputed that investigation of the case is complete and final report stands filed.

After hearing learned counsel for the parties, this Court is of the opinion that trial of the case is likely to consume considerable time, therefore, further custody of the petitioner may not be justified. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

06.12.2019

vanita

Whether speaking/reasoned :

Whether Reportable :

Yes

Yes

No

No

(MANOJ BAJAJ)
JUDGE