

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

217

CRM-M No.50791 of 2019 (O&M)
DATE OF DECISION : 5th DECEMBER, 2019

Pawan

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Birender Singh Rana, Senior Advocate with
Ms. Divya Bajaj, Advocate for the petitioner.

Mr. Chetan Sharma, AAG, 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.450 dated 07.07.2018 registered under Sections 307, 323, 326 & 506 read with 34 IPC and Section 25, 54 of Arms Act, 1959 at Police Station Gharaunda, District Karnal.

It is contended by learned counsel for the petitioner that although the petitioner is attributed gun shot injuries, however, the story put up by the complainant is inherently improbable. It is submitted that father of the petitioner had already made a statement to the police that the gun was possessed and used by him only. Still further, it is pointed out by counsel for the petitioner that even the petitioner was injured in the said incident. Even the medical record supports this assertion of the petitioner. Neither the prosecution has explained these injuries, nor have the police taken any action against the other side qua those injuries to the

petitioner. It is further submitted that in any case the petitioner is in custody since 11.07.2018. But after examination of the complainant before the trial court, the prosecution has now moved an application under Section 319 Cr.P.C., for summoning of the additional accused. The same was allowed by the trial court. However, the revision petition filed against that order is still pending before this court. Hence, the trial is not likely to conclude in the near future. There is no other case against the petitioner.

On the other hand, counsel for the State submits that there are specific gun-shot injuries attributed to the petitioner, caused by the petitioner after taking the same gun from his father, including the injury of partial amputation of fore-arm of the injured Dalbir. However, it is not disputed that the father of the petitioner had himself made a statement, submitting therein that the gun was used by him only; and that the prosecution has moved application under Section 319 Cr.P.C. It is also not disputed that the petitioner is in custody since 11.07.2018 and that there is no other case against the petitioner.

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.

5th DECEMBER, 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>