

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-13438 and 13439 of 2020 in/and
CRM-M-184 of 2020 (O&M)
Date of Decision: 18.6.2020

Parveen Malik

....Petitioner

Vs.

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr.Vikram Singh, Advocate,
for the petitioner

...

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 Pandemic.

CRM-13438 of 2020

The application is allowed. A copy of the medical certificate dated 17.3.2020, Annexure P-3, is taken on record, after exemption from filing a certified copy thereof, subject to all just exceptions.

CRM-13439 of 2020

By this application, advancement of the date of hearing in the accompanying petition (CRM-M-184 of 2020) is sought, on the ground that the applicant-petitioner has already been in custody for 1-1/2 years now, with the trial no where near conclusion and the next date of hearing in the accompanying petition being 20.7.2020 and the date of hearing before the

trial court being 27.7.2020.

Mr. Vikram Singh, learned counsel for the applicant-petitioner, submits as a matter of fact the matter has been compromised between the parties and therefore a petition was filed before this court seeking quashing of the FIR, which was dismissed in view of the fact that the allegation in the FIR is of an offence punishable under Section 307 of the IPC and therefore, as per the judgment of the Supreme Court in Narinder Singh and others vs. State of Punjab and another (SLP (criminal) no.9547 of 2013), where there is a firearm injury shown to have taken place in the alleged commission of such an offence, the FIR should normally not be quashed.

He, however, submits that he wishes to draw attention of this court, for the purpose of seeking bail to the petitioner, the medical certificate annexed as Annexure P-3 with the application (CRM-13438 of 2020), in which it is shown that though there were two gunshot injuries received by the complainant in the FIR (Ravinder), both the gunshots resulted in entry and exit wounds, with no damage to the bone.

He reiterates that the applicant-petitioner having been in custody now for 1-1/2 years, with only 3 prosecution witnesses out of 21 having been examined so far, and with the complainant having testified before the trial court and in fact having been declared to be hostile, the applicant-petitioner deserves to be admitted to bail.

Notice in the application,

Mr. Pradeep Parkash Chahar, learned DAG, Haryana, accepts notice at the asking of the court.

He does not deny the factual position as regards the number of

witnesses examined before the trial court including the complainant who has been declared to be hostile, as also the fact that the petitioner has been in custody for about 1-1/2 years.

Keeping in view the above, the application is allowed and the date of hearing in the accompanying petition is advanced to today itself.

CRM-M-184 of 2020

In view of what has been noticed herein above, without making any comment on the actual merits of the case for or against the petitioner, which naturally would be considered by the trial court wholly on the basis of evidence led before it, this petition is allowed with the petitioner ordered to be released on bail to the satisfaction of the learned the trial court/CJM/Duty Magistrate concerned.

18.6.2020
pk/nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
No/Yes