

216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2823-2020
Date of Decision: 28.01.2020

Sandeep

... Petitioner

v/s

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. S.K. Verma, Advocate for the petitioner.
Mr. Baljinder Singh Virk, DAG Haryana assisted by
ASI Sham Singh.
* * *

VIVEK PURI, J. (ORAL)

Petitioner has prayed for grant of regular bail in case FIR No. 186 dated 1.7.2019, registered under Section 285, 323, 325, 307 and 34 IPC, 1860 and Section 25 of Arms Act, 1859 at Police Station Farrukh Nagar, District Gurugram.

Briefly, the FIR has been registered on the allegations that on 30.6.2019 at about 9.30 p.m. Narender-complainant reached his village for some work. In the meanwhile, petitioner along with co-accused Arun, Rahul and 2-3 other persons arrived in a vehicle. The assailants attacked the petitioner with rod and danda and also fired 3-4 shots. They also hit liquor bottle on his head. The complainant raised an alarm and assailants slipped away from the spot.

It has been stated that arrest of the petitioner was effected on 6.11.2019. His custodial interrogation is over and he has been remanded to judicial custody. Supplementary challan qua him has also been presented in the Court. The injury by means of danda has been attributed to him. No specific injury on the person of the injured falls under Section 307 IPC and the

pistol, with which the shots were fired, has been recovered from Arun, co-accused. Furthermore, Arun and Rahul have been released on regular bail and complainant and other eye-witnesses have not supported the case of the prosecution.

This factual position has not been disputed by learned State counsel.

In the instant case, offence under Section 307 IPC has been subsequently added as gun shots were fired in the air. There is no firearm injury and no specific injury on the person of the complainant has been declared to be dangerous to life. At the earlier instance, challan was presented against Arun and Rahul, co-accused who have been granted bail by the learned trial Court. A perusal of the order of the learned trial Court dated 7.12.2019 also indicates that the complainant and two eye-witnesses have not supported the prosecution case. Subsequently, the supplementary challan has been presented against the petitioner and recovery has already been effected from him. Sufficient grounds are made out to extend the concession of bail to him.

Considering the above and the fact that the trial is likely to consume some time, further detention of the petitioner may not be justified. Therefore, without making 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 concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

28.01.2020

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No