

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

208 (PROCEEDINGS THROUGH V.C.)

CRM-M-11407-2020

DATE OF DECISION: JUNE 05, 2020

Amit Kumar

.....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. J. P. Dhull, Advocate,
for the petitioner.

Mr. Apoorv Garg, Deputy Advocate General, Haryana,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for grant of regular bail to the petitioner in case FIR No.206, dated 19.07.2019, registered under Sections 307, 34 IPC, 25/54/59 of Arms Act at Police Station Cheeka, District Kaithal.

It is the contention of learned counsel for the petitioner that the petitioner is alleged to have been driving the motorcycle on which the pillion rider has fired from a gun, which missed the complainant but had hit the pillion rider on the motorcycle Ankit. He contends that the petitioner is in custody since 27.08.2019 with the trial not likely to proceed as the

injured witness, Ankit, has gone abroad (Portugal). On the last date of hearing, the case was adjourned for ascertaining as to whether Ankit has returned to his native village or not. The report, as has been produced by counsel for the State, indicates that he has not yet returned. Learned trial Court has declined the bail application of the petitioner on the ground that co-accused of the petitioner/assailant Jinder @ Jacky has yet to be arrested and secondly victim, Ankit, has still to be examined. Counsel contends that these grounds cannot be taken against the petitioner, especially in the light of the fact that complainant, Rinku has not supported the prosecution case. He prays that the petitioner be granted the concession of bail as the trial is not likely to conclude in near future.

Counsel for the State, on the other hand, contends that the petitioner alongwith his co-accused Jinder @ Jacky had attacked the complainant with a gun and did fire a shot at him, which hit Ankit and, therefore, he has committed a serious offence and, therefore, he be not granted the concession of bail. He, therefore, prays for dismissal of the present petition.

I have considered the submissions made by counsel for the parties and have gone through the records of the case.

As per the report, which has been submitted in Court with reference to order dated 03.06.2020, wherein this Court had sought information as to the latest position of the trial, especially with regard to the injured witness, namely, Ankit, who has gone to Portugal, said Ankit has still not returned from Portugal. There is no certainty with regard to his return to depose in the case, although he is a victim who suffered the gun shot injury. Complainant, namely, Rinku, having not supported the

prosecution case and trial not likely to conclude in near future, in the above facts and circumstances, especially the prevailing pandemic and the petitioner being in custody since 27.08.2019, the present petition is allowed. The petitioner is directed to be released on bail to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Kaithal.

Any observation made herein above shall have no bearing on the merits of the case during trial in any manner and if any, the same is for the purpose of disposal of the present petition alone.

June 05, 2020
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

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