

206

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

**CRM-M No.15520 of 2020
Date of Decision: 16.07.2020**

RINKU

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Sandeep Saini, Advocate
for the petitioner.

Mr. Amit Aggarwal, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.6 dated 04.01.2020, registered under Sections 307, 323, 34, 506 IPC and Sections 25/54/59 of the Arms Act and 3(2)(v) of the SC/ST Act at Police Station City Jind, District Jind.

The allegations are that in the intervening night of 03.01.2020/04.01.2020, the complainant was called by the petitioner near the shop of one Sumit. Petitioner was owing

some amount to be paid to the complainant. The complainant reached the disclosed place, where he found the petitioner and one Rahul son of Darshan Lal. When the complainant demanded for the money from the petitioner, petitioner and said Rahul started fighting with the complainant. Rahul took out a pistol and pointed the same towards the complainant. The complainant started running towards his house out of fear. When he reached near his house, Rahul fired directly towards the complainant with an intention to kill him. The complainant saved himself by a fraction of second. On hearing, the noise, the brother of the complainant come out from the house and thereafter the assailants fled away from there.

Learned counsel for the petitioner states that though presence of the petitioner is shown at the spot, but no overt act is attributed to him. The alleged firing was done by the co-accused Rahul, but the complainant was not hit by any bullet. The allegations forming subject matter of SC/ST Act are not attracted as the petitioner also belongs to the same caste.

On the other hand, learned State counsel on instructions from the Investigating Officer opposed the prayer on the ground that the firing of bullet itself constitutes the offence under Section 307 IPC irrespective of receipt of any injury as the intention is writ large on the face of the allegations. Co-accused

Rahul is in custody. As per FSL report, an empty cartridge was recovered from the spot duly matched with the weapon recovered from Rahul and the weapon was found to be in working condition. Petitioner is in custody since 12.01.2020. Challan has been presented, but the charges have not been framed.

At this stage, without adverting to the merits of the case and keeping in view the fact that due to the circumstances arising out of the pandemic COVID-19, chances of further prosecution of the case will remain bleak in near future I am of the view that the petitioner can be enlarged on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

July 16, 2020

Atik

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No