

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHCRM-M-16174-2020

Date of decision : August 11, 2020

SHIVAM @ SHIVRAM

.....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. R.S. Dhull, Advocate for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

Mr. Aditya Jain, Advocate for the complainant.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

The petitioner prays for bail pending trial in FIR No. 43 dated 11.03.2020 under Sections 323, 307, 34 IPC and Section 25 (1B) (A) of Arms Act registered at Police Station Sector 65, Gurugram, District Gurugram.

It is submitted that the petitioner and the injured are well known to each other and had friendly relations. They were celebrating the festival of Holi together at the time of the unfortunate incident. It is further contended that it is the present petitioner, who had got the injured admitted to the hospital and informed the complainant. Even as per the prosecution version, the petitioner is not attributed any injury to Dharmender. It is the co-accused Bharat @ Tungli son of Ram Nath, who is attributed the gun shot injury, which has resulted in the unfortunate condition of Dharmender. It is further submitted that the petitioner is not involved in any other criminal case and is in custody since 03.04.2020. It is, thus, prayed that this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for the complainant as well as the State submit that the gun shot injury to Dharmender has visited him with serious consequences inasmuch as he is now on a wheel chair and is unable to perform even his daily routine chores. However, it is not denied that the gun shot injury is attributed to the co-accused Bharat. Insofar as allegation against the petitioner is concerned, it is of exhorting the co-accused. It is further not denied that it is the petitioner, who had got the injured admitted to the hospital and informed the complainant. Learned counsel for the State, on instructions from SI Harikesh, verifies that the petitioner is not involved in any other criminal case. Final report under Section 173 Cr.P.C./challan stands presented.

There are no allegations on behalf of the State that petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts, if released on bail.

No useful purpose shall be served by keeping the petitioner incarcerated any longer. Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition.

Consequently, the petitioner be released on bail pending trial subject to their furnishing requisite bail bonds and surety to the satisfaction of the learned trial Court/concerned Duty Magistrate.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

August 11, 2020
rts

(Lisa Gill)
Judge

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