

CRM-M-16337-2020

Date of decision: 05.08.2020

SUKHDEV SINGH

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Suvir Sidhu, Advocate for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. Sukhcharan Singh, Advocate for the complainant.

*(The case has been taken up through video conferencing on account of Covid-19 Pandemic).***VIVEK PURI,J. (ORAL)**

On 24.6.2020 the following order was passed:-

Briefly, FIR No. 61 dated 6.6.2020, under Sections 148, 149, 307, 323, 341, 452, 506 IPC, 1860 and Section 25 of Arms Act, 1959 at Police Station City Rori, Sirsa has been registered on the basis of the statement of Hakam Singh alleging that on 6.6.2020 at about 3 P.M., he along with his son Kuldeep were present in the house. Meanwhile, Sukhdev Singh-petitioner along with 4-5 unknown persons arrived in a car. 4-5 other persons were also accompanying them in another car. The petitioner was armed with pistol and the other assailants were armed with dandas. On seeing them, Kuldeep ran away from the spot. The assailants inflicted injuries on the back side of the leg and left knee and alarm was raised. The complainant ran towards the roof. The petitioner fired three gun shots with an intention to kill the complainant, Kabal Singh and Jaswinder Singh. One gun shot had hit the rear tyre of the tractor.

It has been stated by learned counsel for the petitioner that it is a case of no injury. Moreover, a compromise has also been effected between the parties.

Notice of motion for 5.8.2020.

Ms. Dimple Jain, AAG Haryana accepts notice on behalf of the respondent-State. Copy of the paper-book be supplied to her during the course of the day through e-mail.

Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he join the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.

It has been stated by the learned counsel for the petitioner that in pursuance of the interim direction he has joined the investigation.

On instructions of ASI Suresh Kumar, learned State counsel has admitted that the petitioner has joined the investigation but has argued that the pistol is yet to be recovered from him, though, he has been interrogated on this aspect of the matter. This matter has been taken care of during the course of investigation when the petitioner was joined.

Faced with this situation, it has been pointed out by the learned counsel for the petitioner that he was not present at the spot, never possessed any firearm and furthermore compromise has been effected between the parties.

The fact of compromise has not been disputed by the learned counsel for the complainant.

Without expressing any opinion on the merits of the case, the order dated 24.06.2020, granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

The petition is accordingly, allowed.

05.08.2020.
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(VIVEK PURI)
JUDGE

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