

**(Proceedings conducted through video conferencing on account of
Covid-19 Pandemic)**

CRM-M-18086-2020

Date of Decision: 27.07.2020

BHIM SINGH @ PUSI

... PETITIONER

VS.

STATE OF HARYANA AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Rakesh Dhiman, Advocate, for the petitioner.

Mr. G.S.Dhillon, AAG, Haryana.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioner is seeking regular bail in case FIR No. 310 dated 30.08.2019 under Section 307 IPC and 25 of the Arms Act, registered at Police Station City Bahadurgarh, District Jhajjar.

Briefly, the aforesaid FIR has been registered on the basis of statement of Dharam Pal alleging that on 29.08.2019 at about 11:30 P.M., he was lying on a cot at the shop of his nephew. Meanwhile, Bhim Singh (petitioner), who is the younger brother of the complainant, arrived at the spot and starting hitting with the butt of the pistol. The complainant tried to save him and the petitioner fired from the pistol and the bullet hit the left arm of the complainant.

It has been contended by learned counsel for the petitioner that the arrest of the petitioner was effected on 04.12.2019, investigation of the case is complete and challan has already been presented in the Court. Furthermore, the injury is on the arm, the injured has been discharged from the hospital and is hale and hearty. The complainant, who is the brother of

the petitioner, has also submitted the affidavits, contained at Annexures P-1 and P2, to the effect that the name of the petitioner was mentioned in the FIR due to some misunderstanding and some unknown persons had fired upon him who could not be identified due to darkness.

Mr. Rajnikant Upadhyay, Advocate, has appeared on behalf of respondent No.2/complainant. His vakalatnama is on record. He has not disputed the aforesaid facts.

Even the learned State counsel has not disputed the factual aspect of the matter but has stated that the offence under Section 307 IPC is non-compoundable.

May it be so, it remains the fact that the petitioner is in custody since 04.12.2019, the investigation of the case is complete, conclusion of trial is likely to take some time and furthermore, a compromise has been effected between the parties, no fruitful purpose would be served by further detaining the petitioner in custody. Accordingly, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Illaq Magistrate/Duty Magistrate/trial Court.

27.07.2020

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(VIVEK PURI)**JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No