

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

CRM-M-19023-2020 (O&M)

Date of decision: 05.08.2020

Sumit @ Lakha

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vikas Bishnoi, Advocate
for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 428 dated 17.12.2019, registered under Section 25/54/59 of the Arms Act, 1959 and Sections 307 and 452 of the IPC (Section 452 IPC stands deleted later on) at Police Station Sadar Narwana, District Jind

Learned counsel for the petitioner submits that the FIR was registered at the instance of complainant Narender with the allegations that on 16.12.2019, he was sitting in his house when petitioner Sumit @ Lakha entered into his house and fired 2/3 shots rounds from an illegal weapon, however, the complainant escaped.

Learned counsel for the petitioner further submits that the petitioner is in judicial custody since 17.12.2019 and the police, during investigation, has deleted Section 452 IPC as it was not verified that the petitioner has entered into the house of the complainant.

It is further submitted that though the petitioner is involved in

another FIR No. 81 dated 11.11.2011 under Sections 363, 366 and 120-B of the IPC at the same police station, however, he stands acquitted in the same.

Learned counsel for the petitioner further submits that investigation is complete; challan stands presented and the petitioner is no more required for any further custodial investigation.

Learned State counsel has filed custody certificate and submitted that the recovery of a country made pistol was made, however, the FSL report is awaited regarding working condition of the same.

Learned State counsel further submits that Section 452 IPC was deleted as it was found that the fires were shot outside the house of the complainant.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody for the last about eight months; there is a variation in the place of occurrence as stated by the complainant and in the prosecution version and also in view of the fact that trial is likely to take a long time; the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

05.08.2020

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No