

complainant's side and both the petitioners alongwith Naveen son of the petitioner Rishipal. It is alleged that the co-accused Naveen had fired upon the complainant with an intention to kill. The fireshot attributed to Naveen had hit on the right palm of the complainant and had gone on to injure the complainant's wife on her arm. Present petitioners are also stated to have been present on the spot with the sticks and lathies in their hand.

Learned counsel for the petitioners submits that it was the complainant side, who was infact the aggressor in a trivial dispute, regarding dog refuse/faeces, which somehow escalated in an unprecedented manner. Co-accused Naveen, who is not an applicant before this Court, was admittedly injured as he was statedly hit with a brick on his head, by the complainant party. Reference is made to the medico legal report of Naveen (Annexure P1) as well as photographs reflecting the injury upon Naveen (Annexure P2). It is further contended that Naveen had fired from the licenced pistol in his possession in sheer self-defence. Naveen was working as a personal security officer of a factory owner, thus had the licensed weapon. Petitioner- Parveen is an Accountant and Rishipal, it is submitted, is 60 years old, suffering from various ailments including a cardiac condition.

It is brought to my notice that Rishipal has been afforded the concession of interim bail till the framing of charges by the learned Additional Sessions Judge, Jhajjar. It is vehemently argued that in any case the present petitioners are not attributed with the injury/injuries attracting the rigours of Section 307 IPC. Section 34 IPC, it is urged, is not made out in the present case. The injured, it is submitted are hale and hearty. The petitioners are in custody since

05.05.2020. They are not involved in any other criminal case. It is, thus, prayed that these petitions be allowed.

I have heard learned counsel for the parties.

Learned counsel for the State opposes these petitions while submitting that intention of the accused is apparent on the face of it. However, he is unable to deny that the co-accused Naveen is attributed with the gun shot injury. Furthermore, the injuries received by Naveen as reflected in Medico Legal Report (Annexure P1) are not denied. It is further verified, on instructions ASI Pawan Kumar, that the present petitioners are not involved in any other criminal case. Rishipal has been afforded the concession of bail till framing of the charge.

Due to outbreak of the pandemic, COVID-19, not much progress is being made towards the conclusion of the trial. There are no allegations on behalf of the State that petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts before the learned trial Court, if released on bail. No useful purpose shall be served by keeping the petitioners 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 these petitions.

Consequently, petitioner – Parveen (in CRM-M-21323-2020) be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned trial Court/concerned Duty Magistrate.

In respect to petitioner – Rishipal (CRM-M-21277-2020), it is directed that interim bail afforded to him till the framing of charge, shall enure during the

pendency of trial, subject to his furnishing fresh 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 13, 2020
rts

(Lisa Gill)
Judge

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