

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-21515-2020

Date of Decision: 13.08.2020

Salman @ Munda

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. YD Kaushik, Advocate for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

RAMENDRA JAIN, J. (ORAL)

Case has been taken up for hearing through video conferencing due to pandemic Covid-19.

Through this petition under Section 439 Cr.P.C., petitioner- Salman @ Munda, has prayed for grant of regular bail in case FIR No. 138 dated 22.06.2020 registered under Sections 307, 323, 452 and 506 read with Section 34 IPC and Section 25 of the Arms Act at Police Station BPTP, District Faridabad.

According to the prosecution, on 21.06.2020, after some quarrel took place between the complainant and accused party qua closure of gate, in the same night, petitioner along with his 3-4 accomplice trespassed the house of complainant through roof along with deadly weapons and opened fire in order to kill complainant and his family members. However, they can rescued themselves by lying down on

the floor. Petitioner and his accomplice also fired at the residence of uncle of the complainant and caused fire arm injury to one Sunil. Allegations against the petitioner are that he opened fire upon the family members of complainant. Empty cartridges were also recovered from the police. Even the weapon of offence used in firing incident and causing fire arm injuries to Sunil was also recovered from the petitioner.

Learned counsel for the petitioner *inter alia* contends that petitioner has falsely been implicated in the instant case. He is in custody since 07.07.2020. Conclusion of trial may take long time. No useful purpose would be served by detaining him in jail. However, injured-Sunil, has filed an affidavit that petitioner did not cause any fire arm injury to him.

On the other hand, learned State counsel vehemently opposed the submissions of learned counsel for the petitioner.

Considering overall facts and circumstances, but without expressing any opinion on the merits of case, the petition is allowed. Consequently, petitioner-Salman @ Munda, is ordered to be released on bail pending trial, if, not required in any other case, on his furnishing adequate bail and surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

August 13, 2020
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No