

CRM-M-21449-2020

Date of decision: 05.08.2020

MONU

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. K.P.S.Virk, Advocate for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

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

Through instant petition, the petitioner is seeking regular bail in case FIR No. 370 dated 21.09.2019 under Sections 34/307/120-B of IPC, 1860 and Section 25 of Arms Act, 1959 (Sections 54 and 59 of Arms Act, 1959 added subsequently), registered at Police Station Civil Lines, Jind, District Jind.

Briefly, the aforesaid FIR has been registered on the basis of the statement of Ashutosh @ Ashu alleging that on 21.09.2019, he alongwith his friend Sombir were proceeding towards their house and when they reached near LIC office, two persons wearing helmet came on a motorcycle. The person sitting on the pillion fired with a pistol/revolver. The petitioner sustained injuries and ran away to rescue himself. The attack was managed by Naveen Sangwan.

It has been contended by the learned counsel for the petitioner that his name has not been mentioned in the FIR, the name of the petitioner has been mentioned in the supplementary statement of the complainant which has been recorded after 05 days, the motorcycle has been allegedly recovered from the petitioner but he is not the owner thereof, the arrest of the petitioner was effected

on 27.09.2019, the investigation of the case is complete and the challan has already been presented in the Court.

It has been further argued that there are two fire arm injuries stated to be on the arms of the complainant. The injured has been discharged from the hospital. Furthermore, a compromise has been effected between the parties. Copy of the compromise and the affidavit of the complainant have already placed on record.

Learned State counsel has not disputed the factual aspect but has argued that the offence under Section 307 IPC is non-compoundable.

It is significant to note that the name of the petitioner does not find mention in the FIR and his name has been reflected in the supplementary statement recorded after 05 days of the occurrence. The petitioner is in custody for the last about ten and a half months, the investigation of the case is complete and the challan has already been presented in the Court. Furthermore, compromise has also been effected between the parties.

In the aforesaid reasons, without commenting upon the merits of the case and genuineness of the compromise, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

05.08.2020
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(VIVEK PURI)
JUDGE

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