

AMIT @ MITTU

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Raj Kapoor Malik, Advocate for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana.

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

Through the instant petition, petitioner is seeking regular bail in FIR bearing 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 complainant sustained injuries and ran away to rescue himself. The attack was managed by Naveen Sangwan.

It has been stated by the learned counsel for the petitioner that his name has not been mentioned in the FIR and the name of the petitioner has been mentioned in the supplementary statement of the complainant which has been recorded after 05 days. The petitioner is not the owner of the motorcycle. The arrest of the petitioner was effected on 27.09.2019, the investigation of the case is complete and the challan has been presented in the Court.

arm of the complainant allegedly attributed to the petitioner. However, the injured has been discharged from the hospital. The co-accused namely Monu has been granted bail by this Court and Naveen Sangwan has been found to be innocent during the course of investigation. Furthermore, a compromise was effected between the parties. The copy of compromise and affidavit of the complainant have also placed on record.

On the instructions from SI Rajesh, 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. The petitioner is in custody for the last about more than 11months.

On a query, learned State counsel has pointed out that no report of ballistic expert has been received in the instant case. The investigation of the case is complete, the challan has been presented in the Court and furthermore, a compromise has been effected between the parties. The effect of compromise will be seen by the Court seized of the trial at the appropriate stage. Moreover, the co-accused has been granted bail.

In the aforesaid reasons, without commenting upon the merits of the case and genuineness of the compromise, it is ordered that the petitioner is 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.

03.09.2020
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(VIVEK PURI)
JUDGE

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