

205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27050 of 2020
Date of Decision :15.09.2020

Hari Singh

...Petitioner

Versus

State of Haryana

...Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Abhimanyu Singh, Advocate
for the petitioner.

Ms. Safia Gupta, AAG, Haryana.

Mr. Arun Dulgach, Advocate for the complainant..

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.210 dated 23.06.2020 under Section 25 of Arms Act, 1959 and Sections 279, 307, 323, 336, 34, 427 and 506 of IPC (Later on Section 325 of IPC and Section 54-59 of Arms Act added and Section 427 of IPC omitted) registered at Police Station Yamuna Nagar Sadar, District Yamuna Nagar.

Learned counsel for the petitioner argues that the petitioner was not named in the FIR and no role has been attributed to him in respect of inflicting any injury. Learned counsel for the petitioner submits that the victim has received only one injury and that has been attributed to a co-accused. Learned counsel for the petitioner argues that Section 307 IPC has been added not for inflicting any grievous injury but, due to a gun shot fired in the air. Further, no injury received by the victim is grievous in nature so

as to invite Section 307 IPC in the present case. Learned counsel for the petitioner informed this Court that the co-accused namely, Sunder Singh has already been granted the benefit of anticipatory bail by this Court keeping in view the compromise, which has been effected between the parties.

Notice of motion.

Ms. Safia Gupta, AAG, Haryana, and Mr. Arun Dulgach, who have joined the proceedings through video conference, keeping in view the service of advance copy of petition accept notice on behalf of respondent-State and the complainant respectively.

Learned State counsel does not dispute the facts, which have been recorded above that the petitioner has not been named in the FIR and no injury has been attributed to the petitioner. Further, it has also not been disputed that only one injury has been received by the victim, which was not grievous in nature and Section 307 IPC has been added only due to the firing of gun shot in the air.

Learned counsel for the complainant submits that the matter has already been compromised between the parties and he does not oppose the grant of regular bail to the petitioner.

I have heard Learned counsel for the parties and have gone through the record with their able assistance.

Once, it is conceded that the petitioner was not named in the FIR and has only been roped in on the basis of the statement of the co-accused and no injury has been attributed to the petitioner and the co-accused namely, Sunder Singh has already been granted the benefit of anticipatory bail by this Court vide order dated 26.08.2020 in CRM-M-24407 of 2020 and the parties have already compromised the

matter, the petitioner has made out a case for the grant of regular bail. The trial is likely to take some time before it concludes and keeping the petitioner behind the bars will serve no purpose.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not obstruct the trial in any manner or influence the witnesses, whose statement is yet to be recorded and in case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

September 15, 2020
aarti/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

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