

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-27547 of 2020
Date of decision:11.11.2020

Binder @ Bijender

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Ajit Singh Lamba, Advocate, for the petitioner.

Mr. Rajiv Sidhu, Deputy Advocate General, Haryana.

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

The petitioner is seeking regular bail in FIR No.369 dated 16.05.2020 registered under Sections 307, 323, 34 of Indian Penal Code, 1860 and Section 25 of Arms Act 1959 (Section 27 of Arms Act, 1959 was added in report under Section 173 of the Code of Criminal Procedure) at Police Station HTM, Hisar, District Hisar.

Learned counsel for the petitioner has argued that the fight had ensued between the petitioner and his companions with the complainant as a result of road rage. Two separate FIRs, Annexures P-1 and P-2 were lodged by both the sides. Counsel argues that the allegation against the petitioner is that he had fired twice from his licensed weapon. One bullet allegedly hit

Ishwar Singh on his chest and another hit Pardeep on his leg. It is the stand of the counsel for the petitioner that the petitioner had fired the shot in his defence as the complainant, who was the aggressor had hit his brother, who expired thereafter. He submits that the challan has already been filed but the trial is not progressing due to the outbreak of (Covid-19) Pandemic and therefore, the petitioner deserves to be enlarged on bail.

Per contra, State counsel upon instructions from ASI Ved Parkash has opposed the petition and submitted that the bullets which were retrieved from the body of injured Ishwar Singh and Pradeep matched with the firearm which was recovered from the petitioner. He has made a reference to the Forensic Science Laboratory Report to support his arguments. As per his instructions, the challan was filed on 08.07.2020 and the charges are yet to be framed.

I have considered the rival submissions of the parties.

Keeping in view the fact that altercation had taken place due to road rage, the nature of allegations, the gravity of offence, the period of incarceration as well as the fact that trial is likely to take time to conclude due to spread of contagion, no useful purpose would be served by keeping the petitioner behind the bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

November 11, 2020
savita

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No