

CRM-M-28191-2020

Date of decision: 22.09.2020

KAILASH

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. Sarfraj Hussain, 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)

Briefly, the FIR bearing No. 108 dated 06.04.2020, under Sections 323/307/452/188/34 of IPC, 1860 and 25 of Arms Act, 1959, at Police Station Chandhut, District Palwal has been registered on the basis of the statement of Ramesh alleging that on 06.04.2020, the petitioner alongwith co-accused namely Mahesh caught hold of the complainant and had inflicted injuries by means of sticks and rods. Thereafter, the petitioner alongwith co-accused Mahesh and another person followed the complainant to his house. The petitioner and Mahesh were armed with country made pistol and threatening to kill the complainant and his family members. Mahesh fired from the pistol and the gun shot hit the door of the house. The matter was reported to the police by making a telephonic call and the assailants slipped away from the spot.

It has been stated by the learned counsel for the petitioner that it is case of no injury. Moreover, the firing from the country made pistol has been attributed to Mahesh, co-accused who has already been granted bail by the Co-ordinate Bench of this Court in terms of order dated 11.09.2020 passed in CRM-

It has been further stated that nothing has been recovered from the petitioner during the investigation, the investigation of the case is complete and the challan has already been presented in the Court.

On instructions from ASI Badaam Singh, the learned State counsel has not disputed the aforesaid factual aspect.

It is a case of no injury, no recovery has been effected from the petitioner, the investigation of the case is complete, the challan has already been presented in the Court and the conclusion of the trial is likely to take sometime. Significantly, the co-accused namely Mahesh has already been granted bail by the Co-ordinate Bench of this Court.

Keeping in view, the abovesaid facts, no useful purpose will be served by keeping the petitioner behind the bars in the present case. Moreover, the petitioner also becomes entitled to the concession of bail on the principle of parity.

Accordingly, the present petition is allowed and petitioner is ordered to be released on bail to the satisfaction of concerned Chief Judicial Magistrate/Illaqa Magistrate/Duty Magistrate.

22.09.2020
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(VIVEK PURI)
JUDGE

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