

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CRM-M No.27977 of 2020

Date of Decision: September 18th, 2020

Ajay alias Aman

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Jitender Dhanda, Advocate
for the petitioner.

Ms. Tanisha Peshawaria, Deputy Advocate General, Haryana.

(PROCEEDINGS THROUGH V.C.)

AUGUSTINE GEORGE MASI, J. (ORAL)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.125 dated 10.06.2019 registered under Sections 307, 34 IPC and Section 25 of Arms Act, 1959, at Police Station Adampur, District Hisar.

It is the contention of learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. Assertion has been made that as per the allegation in the FIR, petitioner had taken out his pistol and had fired at the complainant with an intention to kill him but the bullet had hit him on the right leg. It is then that the petitioner had run away from the spot. Counsel contends that the injury, which has been attributed to the petitioner, is on a non-vital part of the body. Out of the 29 witnesses, none has been examined and the petitioner is in custody since 20.09.2019. As regards the other cases, which have been registered against the petitioner, out of 12 cases, in 7 of the cases, he has been acquitted and the remaining 5 cases are triable by the Magistrate. He submits that the trial is not likely to conclude in near future, especially in the light of the prevailing circumstances and, therefore, the petitioner be granted the concession of bail.

Learned counsel for the State asserts that the petitioner does not deserve the concession of bail because of his criminal inclination. That is a

different story that he is acquitted in 7 cases but still there are 5 criminal cases pending against him. The intention on the part of the petitioner was clear when he had pulled out his pistol and had fired at the complainant with an intention to kill. It was good luck on the part of the complainant that it had hit him on the right leg. She, however, could not dispute the fact that out of 29 witnesses, none has been examined and the petitioner is in custody for almost one year now.

I have considered the submissions made by the counsel for the parties and with their assistance, have gone through the records.

The allegations against the petitioner are with regard to he having shot at the complainant with his pistol. The sole injury has been found to be on the right leg, which is a non-vital part. Petitioner is in custody since 20.09.2019, which comes to almost one year, with none of the prosecution witnesses out of 29 having been examined. The prevailing circumstances also are not in favour of the physical hearing to be carried out in the Courts below. The trial, therefore, is not likely to conclude in near future. The present petition is allowed.

Petitioner is directed to be released on bail to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Hisar.

Any observations made hereinabove are for the purpose of disposal of the present petition alone and shall have no bearing on the merit of the case during the trial in any manner.

September 18th, 2020

Puneet

(AUGUSTINE GEORGE MASIH)

JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No