

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

CRM-M-33473-2020

Date of Decision : 03.11.2020

Joginder alias Nikka

....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.Rakesh Kumar Lathwal, Advocate
for the petitioner.

Mr.Saurabh Mohunta, DAG, Haryana.

TEJINDER SINGH DHINDSA, J.(ORAL)

...

Matter has been taken up through Video Conferencing via Webex facility in the light of the COVID-19 situation and as per instructions.

Petitioner seeks regular bail pending trial in FIR No.232 dated 11.07.2018 under Sections 307, 34 IPC and Section 25 of Arms Act, registered at Police Station Sadar Gohana (Haryana).

Counsel for the parties have been heard.

FIR came to be registered on the statement of Rinku son of Hawa Singh in relation to an occurrence that took place on 10.07.2018 during the late evening hours. As per complainant's version he was serving as a Salesman in the wine shop. While sitting at the wine shop three persons came present out of which one was alleged to be the present petitioner. Further allegation is that the petitioner having entered the wine shop made enquiries about the

owner and upon being told that he was away to Gohana for some work petitioner took out a pistol from his pocket and fired with an intention to kill him but the bullets missed the mark.

Petitioner has been shown to be in custody in the present case since 09.08.2018.

It is a case of no injury.

Complainant Rinku has been examined before the trial court and as per his testimony appended as Annexure P-1 he has not supported the prosecution version.

Learned State counsel, however, would oppose the prayer for bail by submitting that the petitioner is an habitual offender and is involved in a number of other FIRs.

In so far as the present case is concerned, petitioner has suffered incarceration for a period in excess of two years. Complainant has resiled and has been declared hostile.

In view of the above, petitioner is held entitled to the benefit of bail.

Petitioner be enlarged on bail on his furnishing bail bond/surety bond to the satisfaction of the trial court/Duty Magistrate, Sonapat, if not required in custody in any other case.

03.11.2020
dss

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No