

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-36007 of 2020

Date of Decision: 23.12.2020

Dharmender alias Dharma

...Petitioner (s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Sushil Sheoran, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, A.A.G., Haryana.

Mr. V.P. Sangwan, Advocate
for the complainant.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in FIR No.145 dated 02.08.2020 under Sections 323/307 IPC and Section 325 (added later on) read with Section 34 IPC and Section 25 Arms Act, 1959 registered at Police Station Jhojhu Kalan, District Charkhi Dadri.

Learned counsel for the petitioner has argued that there is no firearm injury in the case. Rather, the present FIR is a counterblast to the FIR No.36 dated 10.10.2019 under Sections 147/148/149/307/427/452/506/120-B and Section 25 Arms Act, P.S. Jhojhu Kalan, District Charkhi

Dadri, which was registered by the family members of the petitioner against Attar Singh (complainant) and his family members. He has further submitted that challan has been presented in the case, but the petitioner is in custody since 07.08.2020.

Learned counsel for the complainant has opposed the bail application.

Learned State counsel does not dispute the custody of the petitioner.

I have heard learned counsel for the parties.

The allegation against the petitioner is that he had given beatings to the brother of the complainant and had fired two fire shots from his country made pistol, the cartridges of which were recovered from the place of occurrence and the pistol and motorcycle were also recovered from the petitioner, though no gunshot injury was sustained by anyone. Considering the fact that the petitioner is in custody since 07.08.2020, the challan has been presented on 04.10.2020 and no firearm injury has been caused to the complainant or the injured in the case and trial in the case is not likely to be concluded in near future due to Covid-19 pandemic, this Court deems it appropriate to release the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

December 23, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No