

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-753-2021 (O&M)
Date of Decision:- 6.4.2021

Dheeraj

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vishwajeet Singh, Advocate, for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana,
assisted by ASI Aas Mohammad.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.163, dated 6.8.2020, Police Station Hassanpur, District Palwal, under Sections 148, 149, 323, 506 IPC (Sections 325 and 307 IPC added lateron).
2. The FIR was lodged at the instance of Shripal wherein it is alleged that in the instant case on 28.7.2020 when his sons Himanshu and Pankaj were returning home from Hassanpur, they were attacked by Om Parkash, Dheeraj, Mohit, Monu, Rakesh, Gulu, Anoop, Chanderpal, Vedwati and another 5-6 unidentified persons. It is alleged that the said persons were armed with swords and country

made pistols. It is further alleged that Dheeraj (petitioner) and Mohit were carrying pistols while others were having swords and rods in their hands.

3. Learned counsel for the petitioner has submitted that although the petitioner is named in the FIR but there is no specific attribution as per FIR. It has further been submitted that though a large number of persons have been arrayed as accused but it is only two persons who had sustained a total of 5 injuries and that none of said injury can be said to have been caused with any fire arm and that in these circumstances the presence of the petitioner who is alleged to be carrying country made pistol is rendered highly doubtful.
4. Opposing the petition, learned State counsel has submitted that in the instant case the petitioner had suffered disclosure statement and in pursuance of which a 'rod' was recovered and he had confessed having caused an injury to Pankaj which is duly reflected in the MLR as well. Learned State counsel, however, did not dispute the fact that none of the injury sustained by the two injured is a fire arm injury. It has also been informed that the petitioner as on date has been behind bars since the last about 5 months and that the petitioner is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that no specific injury is attributed to the petitioner as per the FIR and that the MLR also does not reflect any injury having been caused by a fire arm though the petitioner as per FIR is stated to be armed with a country made pistol and while

noticing that the petitioner as on date has been behind bars since the last about 5 months and is not stated to be involved in any other case, the petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

6.4.2021

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No