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

**CRM-M No.16447 of 2021
Date of Decision: 13.09.2021**

Hardeep Singh Alias Sonu

.....Petitioner

Vs

State of Haryana & Others

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Sandeep Lather, Advocate
for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.376 dated 26.11.2020, registered under Sections 307, 506 of IPC and Sections 25 and 27 of Arms Act, at Police Station Civil Lines Kaithal District Kaithal.

As per prosecution case, the petitioner repeatedly fired upon the complainant party. On 25.11.2020, the complainant Sandeep Kumar son of Mehar Chand along with Sumit, Sahil and Aman was going towards his village. When he reached

near the dhaba at about 7:30 pm, a person came on a motorcycle and opened fire upon them. The complainant stopped his car and alighted from the same. The motorcyclist again fired, hitting on the leg of Sumit. On making hue and cry, many persons attracted to the spot and the assailant fled away. The complainant has been examined as PW1, he has not identified the accused-petitioner in the Court, rather claimed that he has not opened fire upon them. The witness has been declared as hostile and has been cross-examined by the Public Prosecutor.

Learned counsel for the petitioner submits that nothing incriminatory could come out of his cross-examination. Similarly other eye-witnesses namely Sumit Kumar has been examined as PW2, Kulbhushan, brother of the complainant, has been examined as PW3, Aman has been examined as PW4 and Sahil has been examined as PW5 and the aforesaid witnesses have not supported the case of the prosecution. According to learned counsel for the petitioner their cross-examinations have not yielded any positive material in favour of the prosecution.

Learned counsel for the petitioner further refers to the opinion of the doctor in respect of injuries received by the complainant, showing that the injuries mentioned in MLR No.JK/GHKTL/988 dated 25.11.2020 are simple in nature and

are not dangerous to life.

Learned counsel also refers to the affidavits filed by the complainant party namely Sandeep, Sumit, Aman and Sahil, exonerating the petitioner of his charges. With reference to the aforesaid facts, learned counsel for the petitioners submits that petitioner is in custody since 03.12.2020. After filing of challan, material witnesses have not supported the case of the prosecution. The trial of the case may take some time in its culmination.

The factual position of the case is not in dispute. However, learned State counsel opposed the bail on the premise that gun-shot injuries are attributed to the petitioner and he is successful in winning over the complainant party while in custody.

Be that as it may, in view of statements made by the material witnesses, not supporting the case of prosecution, I deem it appropriate to consider the said aspect to be sufficient to grant regular bail to the petitioner.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

13.09.2021	(RAJ MOHAN SINGH)
Amandeep	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No