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

**CRM-M No.18781of 2021  
Date of Decision: 21.05.2021**

**SHANKAR**

**.....Petitioner**

**Vs**

**STATE OF HARYANA**

**.....Respondent**

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

Present:Mr. Deepak Vashishth, Advocate  
for the petitioner.

Mr. Anant Kataria, DAG,Haryana.

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**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.30 dated 07.02.2021, registered under Sections 285 and 506 read with Section 34 IPC, 25-54-59 of Arms Act and Section 3(2)(v) of SC/ST Act, at Police Station Julana, District Jind.

As per allegations, Illu fired a shot in the air from an illegal pistol. Complainant Ravi used to study. On 07.02.2021 at about 6:15 pm, he went to bypass of the village for walking.

Three persons came on a motorcycle from the side of stadium. Two of them namely Illu and Anoop belong to the village of the complainant. Petitioner was the third one. There was altercation between Anoop and cousin of the complainant Rohit sometimes ago due to which Anoop along with his friends opened fire in air and also gave threats to the complainant. Initially the FIR was registered under Sections 285, 506 read with Section 34 IPC, Sections 25-54-59 of Arms Act and Section 3(2)(v) of SC/ST Act was added later on.

Learned counsel for the petitioner submits that the petitioner is in custody since 11.02.2021. Challan has been presented. There is no allegation of firing by the petitioner. No weapon has been recovered from the petitioner except two live cartridges. Police has not recovered any empties from the spot. Even the ingredients of offence under Section 3 of SC/ST Act are not attracted as the complainant has not pleaded his caste in the FIR nor such allegation has come forth that the petitioner was in the knowledge of the caste of the complainant. Challan has been presented on 04.04.2021. Firing of gunshot in air is attributed to co-accused Illu.

Per contra, learned State counsel opposed the bail on the ground that the petitioner was member of the group consisting of three accused who opened fire in the air just to

overawe the complainant. After filing of challan, charges have not been framed.

Looking to the aforesaid facts and in view of the situation arising out due to COVID-19 pandemic and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

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.

**21.05.2021**

Amandeep

**(RAJ MOHAN SINGH)  
JUDGE**

Whether speaking/reasoned

Yes/No

**Whether reportable****Yes/No**