

In Virtual Court

CRM-M-16617 of 2020 (O&M)
Date of decision : 13.01.2021

Subhash**Petitioner**

Vs.

State of HaryanaRespondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Aditya Sanghi, Advocate, for the petitioner.

— — —

Rajbir Sehrawat, J. (Oral)

This third petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.137 dated 07.09.2018, registered under Section 307 of IPC and 27 of Arms Act 1959, at Police Station Nathu Sarai Chopta, District Sirsa, Haryana.

It has been argued by the counsel for the petitioner that the case against the petitioner is totally concocted. Even as per the case of the prosecution, the petitioner is attributed gunshot injury on the thigh of the complainant. The said injury has now been declared as simple by the medical opinion. The petitioner has been in custody since 23.09.2018. It is further submitted that only 9 witnesses have been examined by the prosecution so far; out of total 13 witnesses. There is no other case against the petitioner. The petitioner is not required for the investigation purpose. Hence, the petitioner is deserves to be released on bail pending trial.

Notice of motion.

Mrs. Deipa Singh, Addl. AG, Haryana, accepts notice on behalf of the State.

It is submitted by the counsel for the State that the petitioner has committed heinous crime by firing on his real brother. The intention of the petitioner is clear from the fact that he used the fire arm. It is not disputed that the injury allegedly attributed to the petitioner is declared simple in nature. It is also not disputed that the petitioner is in custody since 23.09.2018 and that there is no other case against the petitioner.

In view of the above, but without commenting any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

13.01.2021

Vandana/Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No