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

**CRM-M No.21175 of 2021(O&M)
Date of Decision: 28.06.2021**

Satish Kumar @ Chiranji

.....Petitioner

Vs

State of Haryana

.....Respondent

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

Present:Mr. G.S. Sidhu, Advocate
for the petitioner.

Mr. Bhupender Singh, 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.489 dated 16.08.2020 registered under Sections 148, 149, 307 IPC and Section 25 of the Arms Act at Police Station Sirsa City, District Sirsa.

Learned counsel for the petitioner submits that though the petitioner has been named in the FIR, but no specific role has been attributed to him in respect of alleged injury caused to the complainant. The FIR is silent with regard to authorship of

gun shot injury. There was a quarrel between Satish @ Chiranj (petitioner) and Sonu about 2-3 days prior to the incident in question and the petitioner gave threats of killing to Sonu. On 15.08.2020 at about 11:30 PM when the complainant (Ajay) along with Sonu was going on motorcycle to drop Sonu at J.J. Colony Sirsa, then the petitioner, Ashu, Max, Sunny Pandit and Abhay were found standing in the street. When the complainant and Sonu tried to escape on motorcycle, they fired at Sonu with an intention to kill him, but the fire hit on the neck of the complainant. It could not be ascertained due to dark as to who had fired upon the complainant party.

During investigation, it came to fore that the alleged gun shot was fired by one Kamal and recovery of firearm has been effected from him. No injury at the neck of the complainant was found. There is only one injury found on the person of the injured and that too, on the cheek.

It would be debatable as to whether injury on the cheek would fall under the ambit of offence under Section 307 IPC for want of exact dimensions.

Learned State counsel, however, opposed the bail.

It could not be disputed that the injured has received only one injury on the cheek. It would be debatable whether

such injury is the result of firearm or otherwise. Petitioner is in custody since 17.12.2020. Challan has been presented and charges have been framed. Now the case is fixed for prosecution evidence. The trial of the case may take some time in its culmination.

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

In view of above, petition is allowed. Petitioner is ordered to be released on regular 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.

28.06.2021

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No