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

(Through video-conferencing)

**CRM-M No.28277 of 2021
Date of Decision: 26.08.2021**

HARDEEP

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

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

Present: Mr. Akashdeep Singh, Advocate
for the petitioner.

Mr. Dhruv Sihag, Asstt. A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.440 dated 17.11.2020 registered under Sections 148, 149, 323, 307, 427, 506 IPC and 25/54/59 of the Arms Act at P.S. IMT, Rohtak, District Rohtak.

Earlier petition bearing CRM-M No.7168 of 2021 was filed for the grant of regular bail which was got dismissed as withdrawn on 02.07.2021 with a liberty to file fresh petition before the trial Court. After dismissal of the same, the present petition has been preferred before this Court.

As per allegations, on 17.11.2020 at about 6.00 P.M., the complainant Nasib along with his elder brother Ashish and father Satbir were sitting in front of their house in which they had opened office after taking the same on rent. In the meanwhile, three vehicles came there and 13-14 persons alighted from the same duly armed with sticks, *farsa* (axe) and swords etc. Pardeep opened attack on the complainant with his *bitta* on the head of the complainant. Vinay attacked the complainant with his sword hitting hand of the complainant. Other persons also alighted from the car and manhandled the brother of complainant namely Ashish and father Satbir. On making hue and cry, sister-in-law of the complainant namely Savita came out of the shop and she was also injured by the assailants. Petitioner was armed with a pistol and he fired on the complainant with intention to kill him. When the residents of the village came forward on hearing the alarm, then the petitioner along with others threatened the complainant party to leave the contract of Amul and gave threats of killing in future. The persons came in three cars manhandled the partner of the complainant namely Suresh and broke windowpanes of the car and also tried to kill him. With these allegations, the FIR has been registered.

Learned counsel for the petitioner submits that the

offence under Section 307 IPC has been added solely on the ground that the petitioner had opened fire from his pistol, but the same did not hit anyone. No fire arm has been recovered from the petitioner, rather a *danda* has been allegedly recovered.

Learned State counsel however opposed the bail on the premises that the fire arm allegedly used by the petitioner was handed over to his brother Pardeep. The fire arm has to be recovered from Pardeep. He refers to the connected case bearing CRM-M No.7157 of 2021 in which arrest of Pardeep has been stayed vide order dated 16.01.2021 and he has not joined the investigation so far. The aforesaid petition is also pending for today. The injury on the person of the complainant is attributed to Pardeep i.e. a *bitta* blow on the head of the complainant and the injury is found to be laceration linear single wound 1.5 cm x 0.3 cm near right parietal region. The aforesaid injury is found to be simple in nature.

As against this, learned counsel for the petitioner again submits that even if the fire arm is to be recovered (facts denied altogether) that will not advance the case of the prosecution as no one has been injured in the present case. Petitioner is in custody since 18.11.2020. Challan has been presented. No prosecution witness has been examined so far.

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 adverting to the merits of the case,

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 opinion on merits of the case.

August 26, 2021

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No