

Date of Decision : 26.07.2021

...Petitioner

State of Haryana

...Respondent

Present : Mr. Sanjeev Bishnoi, Advocate for the petitioner.

Mr. Pawan Kumar Longia, DAG, Haryana

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

2. Prayer in the petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.32 dated 25.01.2021, registered under Sections 148, 149, 323, 307, 506 IPC and Section 25 Arms Act, 1959 at Police Station Civil Lines Sonipat, District Sonipat.

3. Learned counsel contends that as per the FIR the petitioner along with many other boys carrying weapons, lathis, dandas etc. came to the area of the complainant's house and asked whether the diary was that of the complainant and whether he lived there and on hearing voices, when the complainant went out, he was beaten up by the accused with lathi, dandas while either the petitioner or Deepak fired on him with intention to kill and the bullet hit him on his thighs, whereafter, he was given beatings with lathis and dandas on the head but was rescued by his wife Meenu, father Dharampal and mother Pataso who also received injuries and on people gathering, the accused ran away.

4. Learned counsel contends that the complainant is a gangster type of person and as per CCTV footage, the complainant had come out of his house waving a pistol and tried to create fear amongst those present and in the ensuing scuffle, the complainant received injuries from his own pistol and the same was clearly evident from the CCTV camera footage besides, petitioner also received gunshot injuries on his feet and registered FIR No.33 dated 25.01.2021 against the complainant, the complainant himself was not certain as to whether the gunshots were fired by the petitioner or by Deepak, injured complainant was discharged from hospital after 2-3 days, that petitioner was in custody since 01.02.2021, challan was presented on 27.04.2021, there were 28 prosecution witnesses, charges were yet to be framed, and that in the circumstances, trial would take time, therefore, no useful purpose would be served by keeping the petitioner behind bars.

4. Learned DAG, Haryana, on instructions from SI Naresh Kumar, confirms that apart from the FIR registered by the complainant, counter FIR was got registered by the petitioner and the petitioner also received gun shot injuries on his feet, besides, the complainant in the FIR had stated that gun shot was fired either by the petitioner or by Deepak, complainant was discharged from hospital after 2-3 days, petitioner was in custody since 01.02.2021, challan was presented on 27.04.2021, there was list of 28 prosecution witnesses, though charges were yet to be framed.

5. I have considered the submissions of learned counsel for the parties. Admittedly, cross FIR's were registered, petitioner also received

gunshot injuries on his feet, injured complainant was discharged from the hospital after 2-3 days only, petitioner is in custody since 01.02.2021, complainant himself is not certain as to whether the gunshots were fired by the petitioner or by Deepak, challan was presented on 27.04.2021, there are 28 prosecution witnesses, however, charges are yet to be framed, therefore, trial would take time, and in the circumstances, no useful purpose would be served by keeping the petitioner behind bars. Accordingly, after taking into account all aspects as noted above, the present petition is allowed. Petitioner- Parthiv is ordered to be released on regular bail during the pendency of the trial on his furnishing bail bond and surety bond to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, provided he is not required in any other case. The petitioner shall also comply with the conditions contained in Section 437(3) Cr.P.C. It is further made clear that in case the petitioner is involved in any other case during the period while he is on bail in the instant case, the prosecution would be at liberty to move an application for cancellation of bail granted to the petitioner in the instant case. However, nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

(B.S. Walia)
Judge

26.07.2021

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Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.