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

(Through video-conferencing)

**CRM-M No.31952 of 2021(O&M)
Date of Decision: 13.08.2021**

Abhay

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. D.S. Virk, Advocate
for the petitioner.

Mr. Vishal Malik, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

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.

As per allegations, there was a quarrel between Satish @ Chiranji and Sonu about 2-3 days prior to the incident in question. Satish @ Chiranji gave threats of killing to Sonu. On 15.08.2020 at about 11:30 when the complainant i.e. Ajay along with Sonu was going on a motorcycle to drop Sonu at J.J.

Colony Sirsa, then Satish @ Chiranji, Ashu, Max, Sunny Pandit and the petitioner were found standing in the street. Complainant and Sonu tried to escape on the motorcycle, but they were fired upon with an intention to kill Sonu. The fire hit on the neck of the complainant. Further allegations are that due to darkness, it could not be ascertained 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 was also effected from him. No injury was found on the neck of the complainant, rather one injury was found on the person of the injured, that too, on the cheek. Co-accused Satish @ Chiranji has been granted regular bail vide order dated 28.06.2021 passed in CRM-M No.21175 of 2021 after noticing the aforesaid incriminating facts.

Learned State counsel, however, opposed the bail on the ground that the petitioner has a history of past criminal activity.

This allegation has been refuted by learned counsel on the petitioner with reference to order dated 29.05.2020 passed in FIR No.244 dated 06.04.2020 under Sections 307, 188 IPC, Police Station City Sirsa, in which the petitioner has been granted bail. In FIR No.1168 dated 26.11.2018 under Sections

394, 397 IPC, Police Station City Sirsa, the petitioner has been granted bail by the Additional Sessions Judge vide order dated 06.03.2019. In FIR No.339 dated 02.06.2020 under Sections 323, 341, 506 IPC, Police Station City Sirsa, petitioner is not an accused. In FIR No.143 dated 19.02.2018, under Section 379 IPC, Police Station City Sirsa, wrong description has been given viz-a-viz particulars of the petitioner.

In view of aforesaid facts, it would be debatable as to whether the injury on the cheek of the complainant would fall under the ambit of Section 307 IPC for want of exact dimensions. It could not be disputed that the injured has received only one injury on his cheek. It would be debatable whether such injury is the result of firearm or otherwise. Petitioner is in custody since 02.12.2020. Challan has been presented. Charges have been framed and the case is now 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 advertng to the 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 opinion on merits of the case.

13.08.2021	(RAJ MOHAN SINGH)
Prince	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No