

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

CRM-M-40251-2021 (O&M)

Date of decision: 07.12.2021

Devender Bhati

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Gautam Dutt, Advocate for the petitioner.

Mr. Surender Singh, AAG Haryana.

Mr. Shokeen Singh Verma, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 98 dated 07.06.2021, registered under Sections 147, 148, 149, 307, 323, 452, 506 IPC and Section 25(1-B)(a) of the Arms Act, 1959, at Police Station Sector-37, District Gurugram.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the allegation against the petitioner is that he had fired a gun short, but as per the opinion of the Doctor dated 09.08.2021, there is no sign on the feet of the complainant, suggesting a fire arm injury; and that the petitioner has been in custody since 10.06.2021. None of the prosecution witnesses has been examined, so far.

It is further submitted that the injury upon Mahesh at the most would entail the offence under Section 325 IPC. Yet further, co-accused

Pankaj, who is also alleged to have been fired a gun shot upon complainant-Hanuman, is on bail.

Learned State counsel assisted by the learned counsel for the complainant, while vehemently opposing the prayer for bail submits that recovery of one country made pistol and live cartridges, was effected from the petitioner; and that in the present case, there are 7 injured, including the complainant. Thus, there being serious charge against the petitioner, he is not entitled to the concession of regular bail. However, he does not dispute the custody period of the petitioner and the factum that co-accused Pankaj is on bail. He concedes the factum of non-examination of the prosecution witnesses, as yet.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 10.06.2021. The prosecution witnesses are yet to be examined. As per the Doctor's opinion, there is no sign on the feet of the complainant, suggesting a gun short injury. The conclusion of the trial would take a long time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

07.12.2021

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No