

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.40724 of 2020 (O&M)
Date of Decision.17.02.2021
(Heard through VC)

Tej Ram

...Petitioner

Vs

State of Haryana

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

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

Mr. P.P. Chahar, DAG, Haryana.

Mr. Sanjeev Kumar Panwar, Advocate
for the complainant.

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JAISHREE THAKUR J. (ORAL)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.239 dated 12.05.2020 under Sections 148, 149, 307, 323, 506 IPC and Sections 25, 27, 54, 59 of the Arms Act registered at Police Station Camp Palwal, District Palwal.

Counsel for the petitioner *inter alia* would contend that the petitioner is in custody in the aforesaid FIR since 13.05.2020 on the allegation that he had fired gun shots from .12 pistol and the pellets injured the complainant. It is submitted that most of the co-accused have already been allowed bail, while further submitting that the complainant has been examined and therefore, there would be little opportunity for the petitioner herein, who is 80 years old, to influence the material witness.

Learned counsel appearing for the respondent-State and the

complainant oppose the bail application by submitting that the offence committed is serious in nature.

I have heard learned counsel for the parties.

Keeping in view the fact that the statement of the complainant has already been recorded and the petitioner herein, aged 80 years, is in custody since 13.05.2020, no useful purpose would be served in keeping the petitioner behind bars. This Court also keeps in mind the fact that the trial will take some time to conclude since out of 20 witnesses cited by the prosecution, only material witness i.e. the complainant has been examined. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/ surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

(JAISHREE THAKUR)
JUDGE

February 17, 2021

Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No