

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-46186-2021 (O&M)

Date of decision: 09.11.2021

Vipin Bhati

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Munish Behl, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.67 dated 29.03.2021 under Sections 307, 323, 34, 506 IPC and Section 25/54/59 of Arms Act (Section 120-B IPC was added later on), registered at Police Station Chhansa, District Faridabad.

Learned counsel for the petitioner submits that as per allegations in the FIR, the complainant along with one Suresh was present at his Dhaba and

four persons came there in a car. Petitioner Vipin Bhati was driving the car, whereas Rahul Rajput was sitting in the car. Both of them asked for meal. When the complainant told that he has having no meal, the petitioner, who was having a country-made pistol in his hand, opened fire on the complainant in order to kill him, however, the fire missed. In that process, he opened two more fires, but the complainant escaped by running on the backside. In the meantime, Vipin came from the opposite side and on seeing him, both the assailants fled away with the car.

Learned counsel has argued that it is a case of no injury and as per own version of the complainant, a sudden verbal spat happened on account of non-providing food to the petitioner and co-accused by him, on the pretext that he has closed the Dhaba. It is further submitted that three co-accused of the petitioner, namely Himanshu, Dharmender and Amit, have already been granted the concession of regular bail by the Additional Sessions Judge, Faridabad, whereas one co-accused Rahul Rajput is found innocent during the investigation. It is also submitted that the petitioner is in custody since 31.03.2021 and is on bail in two other cases.

Learned State counsel could not dispute the fact that it is a case of no injury, however, it is submitted that the petitioner has opened fire on the complainant, when he refused to provide food on the pretext that his Dhaba is closed. It is further submitted that investigation is complete and challan stands presented.

After hearing learned counsel for the parties, without commenting

anything further on merits of the case and considering the aforesaid facts and circumstances of the case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

09.11.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No