

CRM-M-41364-2020

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

CRM-M-41364-2020 (O & M)

Date of decision: 19.04.2021

Yatin @ Nitin

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Ms. Sharmila Sharma, Advocate,
for the petitioner.

Mr. Dhruv Sheoran, DAG, Haryana.

Mr. Ravinder Hooda, Advocate,
for the complainant and injured (respondents No.2 and 3).

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

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Allowed as prayed for. Complainant and injured are impleaded as respondents No.2 and 3 in the present petition and amended memo of parties is taken on record. Annexures P-5 to P-9 are taken on record, subject to all just exceptions.

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Through this petition, the petitioner seeks regular bail in case bearing FIR No.121 dated 25.03.2020, registered at Police Station Kharkhoda, District Sonipat, under Sections 307 and 34 IPC and Section 25 of the Arms Act, 1959.

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Learned counsel for the petitioner contends that there is an inordinate delay of 16 hours in registration of the FIR; that co-accused, Kuldeep Singh stands enlarged on bail by this Court, vide order dated 29.09.2020 passed in CRM-M-29322-2020, and that the injured stands discharged from the hospital. It is also contended that there was neither any previous enmity between the parties nor any motive to cause injury to the deceased and rather the alleged occurrence had taken place on the spur of moment. It is also contended that the petitioner has been in custody for the last about one year. Still further, it is contended that a compromise dated 25.03.2021 (Annexure P-5) has been effected between the parties.

On the other hand, learned State counsel while opposing the submissions made by the learned counsel for the petitioner, contends that the injury caused with gun-shot on the face of the injured, was declared dangerous to life. It is also stated that though the charges have already been framed, the witnesses are yet to be examined.

However, learned counsel for respondents No.2 and 3 does not dispute the factum of the compromise effected between the parties. He also submits that the petitioner and respondents No.2 and 3 are residing in the same village and there is no other case pending or registered against the petitioner.

I have heard the learned counsel for the parties.

The petitioner has been in custody for the last about one year. Co-accused, Kuldeep Singh has already been enlarged on bail by this Court, vide order dated 29.09.2020 passed in CRM-M-29322-2020. Charges have already been framed, but no witness has been examined so

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far. Trial of the case would take time to conclude. Moreover, the matter has been compromised between the parties. Therefore, 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 present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

19.04.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No