

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-42446-2020 (O&M)

Date of Decision:- 13.1.2021

Mukesh @ Khairu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sandeep Kumar Yadav, Advocate, for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana,
assisted by ASI Kuldeep Singh.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.281, dated 31.10.2019, at Police Station Sadar, Narnaul, under Sections 307 and 34 of IPC as well as Section 25 of the Arms Act.
2. The FIR in question was lodged at the instance of Mahender Yadav, wherein it is alleged that he is working as salesman in a liquor vend

and that on 30.10.2020, three young boys came to the liquor vend and insisted upon for opening the gate and when the complainant refused to do so, they fired from a pistol upon the complainant and that one bullet hit the box of beer while touching his left leg.

3. It has been submitted by learned counsel for the petitioner that he is no where named in the FIR and is sought to be nominated as an accused on the basis of a disclosure statement made by the petitioner himself when he was arrested in some other case.
4. Opposing the petition, the learned State counsel has submitted that the petitioner stands involved in four other cases and that a pistol was also recovered from him which would substantiate the allegations against him. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last about 10 months.
5. I have considered rival submissions addressed before this Court.
6. It is not disputed that the allegations are to the effect that the accused had fired at the complainant. However, it is also a case where only one injury was found on the complainant's leg. Keeping in view the fact that the petitioner is nominated on the basis of his own disclosure statement, the admissibility of which would be debatable and the fact that he has already been behind bars since the last about 10 months and his co-accused Hansraj has since been granted bail, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction

of learned trial Court/Chief Judicial Magistrate/Duty Magistrate
concerned.

January 13, 2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No