

206 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43468-2020

Date of Decision: 05.01.2021

Mahender Singh

... Petitioner

v/s

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Kamal Chaudhary, Advocate for the petitioner.

Mr. Amrik Singh Narwal, DAG Haryana.

*(The case has been taken up through video conferencing on
account of Covid-19 pandemic)*

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VIVEK PURI, J. (ORAL)

The petitioner has prayed for grant of regular bail in case FIR No.85 dated 8.8.2020, under Section 307 of IPC, 1860 and 25 of the Arms Act, 1959 registered at Police Station Raipur Rani, District Panchkula.

Precisely the allegations against the petitioner are to the effect that on 8.8.2020 at about 9.15 P.M. he had fired gunshots from the country-made pistol towards Jagpal-complainant and his son with an intention to kill them. The complainant and his son saved themselves by getting behind the wall.

It has been contended by learned counsel for the petitioner that it is a case of no injury. No empty cartridge case or fired bullet was recovered from the spot, the arrest of the petitioner was effected on 8.8.2020 and the challan has already been presented in the Court. Moreover, the petitioner had suffered injuries at the hands of the complainant and his family members and had also lodged a complaint with the local police but no action is being initiated thereupon.

On the contrary, it has been argued by learned State counsel that one live cartridge and one empty cartridge case was also recovered from the spot. Moreover, the petitioner was earlier arrayed as an accused in a case under Section 302 IPC. However, it has been conceded that though the petitioner was convicted by the Court of Sessions in that case but acquitted by this Court as back as in the year 2001.

The petitioner is in custody since 8.8.2020, the custodial interrogation is over, the investigation of the case is complete, challan has already been presented in the Court, the conclusion of trial is likely to take some time and it is a case of no injury. In such circumstances, no fruitful purpose would be served by detaining the petitioner in custody. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

(VIVEK PURI)
JUDGE

05.01.2021

Janki

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No