

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

214

CRM-M-377-2022

Date of decision: 29.03.2022

PRAVEEN

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Ankit Mittan, Advocate
for Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Mr. Amreek Singh Narwal, DAG, Haryana
for the respondent.

SANT PARKASH, J. (ORAL)

Prayer in this petition under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner, in case, FIR No. 354 dated 04.11.2021 registered under Sections 323, 307, 506 of the Indian Penal Code, 1860, Section 25 of the Arms Act, 1959 and Section 3 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 at Police Station Mundkati, District Palwal.

The present FIR was lodged on statement of Vishnu alleging that on 03.11.2021 at about 08.30 P.M., when he was sitting outside his house in the street along with his brothers Kishan and Jaipal, then a car crossed their house at a very high speed. After some time the same car came back and the occupants of the car in which the present petitioner was also travelling were asked to drive at a slow speed. On this, the occupants of the car started abusing the complainant

and his brothers in the name of their caste and started beating them. One of the assailants was having a pistol and fired a shot upon the complainant who had a narrow escape.

The petition has been opposed by learned State Counsel in terms of reply by way of affidavit of Sajjan Singh, HPS, Deputy Superintendent of Police, Hodal, District Palwal.

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. No specific role has been attributed to the petitioner in the occurrence. Offence under Section 25 of the Arms Act is not attracted qua the present petitioner as it is not the case of the prosecution that he was the one carrying any weapon. No case under Section 307 IPC is made out as no injury inflicted upon the injured has been declared as dangerous to life. The car alleged to be used in the commission of the crime belongs to co-accused Parvinder and the country made pistol allegedly used in the occurrence has already been recovered from co-accused Jaivir. The petitioner is in custody since 20.11.2021. Nothing is to be recovered from the petitioner. Challan has already been present in the Court and trial will take long time. No useful purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

Per contra, learned State Counsel has opposed the petition while contending that the allegations against the petitioner are serious

in nature and the petitioner does not deserve grant of regular bail.
Therefore, the petition may be dismissed.

Having considered the facts and circumstances of the case, offence under Section 307 IPC is not attributed to the present petitioner, period of his custody, challan has already been presented and the fact that the trial is likely to take long time but without expressing any opinion on the merits of case, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

29.03.2022
kavneet singh

(SANT PARKASH)
JUDGE

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