

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

SR. No.107

**CRM-11441 & 11443-2022 in/and
CRM-M-9495-2022**

Date of Decision:30.03.2022

Parminder

...Petitioner

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr. Tushar Gautam, Advocate
for the applicant-petitioner.

Mr. Amreek Singh Narwal, DAG, Haryana.

SANT PARKASH, J.

CRM-11443-2022

Application is allowed, as prayed for. Date of hearing of the main case is preponed from 23.05.2022 to today.

CRM-11441-2022

Application is allowed, as prayed for. Copy of order dated 09.02.2022 passed by Co-ordinate Bench is taken on record.

Main case

Prayer in the present petition is for grant of regular bail to the petitioner in FIR No.354 dated 04.11.2021 registered under Sections 323/307/325/506 IPC; Section 25 of the Arms Act and Section 3(2) (va) 33 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015) (Section 33 of SC/ST Act added later on) at Police Station Mundkati, District Palwal, Haryana.

As per allegations levelled in the FIR, on 03.11.2021 at about 08.30 PM, petitioner along with co-accused allegedly abused 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.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that no injury has been attributed to the petitioner. He next submits that the country made pistol allegedly used in the occurrence has already been recovered from co-accused Jaivir. He further submits that petitioner is in custody since 04.11.2021. Nothing is to be recovered from the petitioner. Challan has already been presented in the Court and conclusion of the trial will take long time. He also submits that this Court vide order dated 29.03.2022 passed in CRM-M-377-2022 has already granted the concession of regular bail to co-accused, namely Praveen.

On the other hand, learned counsel for the State opposed the present petition and submits that the present petition may be dismissed keeping in view the facts and circumstances of the case.

Heard.

Taking into consideration the totality of the facts and circumstances and without commenting on the merits of the case, coupled with the fact that the petitioner is in custody since 04.11.2021; co-accused (Praveen) has already been granted the concession of regular bail and Section 307 IPC is not attributed to the present petitioner, it is considered just and appropriate to release the petitioner on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial court/Duty Magistrate/Chief Judicial Magistrate.

Petition stands allowed.

30.03.2022
mks

(SANT PARKASH)
JUDGE

Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO