

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-13782-2022 (O & M)****Date of decision: 30.05.2022**

Satish Raj Petitioner

V/s

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vishal Garg Narwana, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.128 dated 26.10.2021 under Sections 307 and 506 IPC and Sections 25, 27, 54/59 of the Arms Act, 1959 registered with Police Station Barnala, District Barnala.

2. The brief facts of the case are that the statement of one Vinod Kumar was recorded to the effect that he was a commission agent and ran a shop in village Thikriwal in the name of M/s Jagdish Chand Vinod Kumar in Dana Mandi. There was an adjoining shop of the petitioner-Satish Raj, a commission agent. On the day of the occurrence i.e. 26.10.2021, a dispute had arisen between both the sides and when the father of the complainant, namely, Jagdish Chand tried to make the petitioner understand in a peaceful manner, he got furious, took out his revolver and fired at his father hitting him on the left side of his waist and his hand.

3. The learned counsel for the petitioner submits that the statement of Vinod Kumar (PW-8) and his father/injured witness-Jagdish Chand (PW-9) have been recorded and they have turned hostile and have stated that the petitioner-Satish Raj had not fired the gun-shots.

4. The learned counsel for the complainant endorses the factum of the witnesses turning hostile.

5. The learned counsel for the State also admits this fact but states that it is a serious offence and the petitioner does not deserve the concession of bail.

6. I have heard the learned counsel for all the parties.

7. Admittedly, the statements of the two main prosecution witnesses, namely, the complainant-Vinod Kumar and his father and injured-Jagdish Chand have been recorded. They have not supported the case of the prosecution.

8. In this view of the matter, the further incarceration of the petitioner is not required. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Satish Raj is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

(JASJIT SINGH BEDI)
JUDGE

May 30, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No