

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

235

CRM-M-15578-2022

Date of Decision: 22.04.2022

Rudar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Minkal Rawal, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana
assisted by ASI Serbal Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.0027 dated 01.02.2021 at Police Station Sadar Gohana, District Sonapat, under Sections 307/120-B/34 IPC and Sections 25/54/59 of the Arms Act.
2. The FIR was lodged at the instance of Amit, wherein it is alleged that on 01.02.2021, when he was proceeding from his house towards canal and was present near the house of Baljit Singh, then he saw Shiv Parkash alongwith his friend, who were on a red coloured motorcycle. Shiv Parkash was sitting on the pillion seat while his friend who was driving the motorcycle was wearing a mask and could not be identified. Shiv Parkash, upon noticing the complainant, loaded his pistol and fired at the complainant with an intention to kill him and the shot fired by him hit at

his waist. The complainant started running and the accused followed him on motorcycle and kept on firing at him, but he was not hit.

3. It is further the case of prosecution that subsequently the complainant made a supplementary statement to the effect that he was in fact shot at by Rudar (petitioner).
4. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that the falsity of the case would be evident from the fact that while in the FIR, the complainant specifically named Shiv Parkash to be the person, who had fired at him, but in the supplementary statement he has substituted the name of said Shiv Parkash with that of Rudar (petitioner).
5. Opposing the petition, learned State counsel has submitted that since the supplementary statement came to be recorded shortly after lodging of the FIR i.e. on 05.02.2021, wherein the complainant has explained that Shiv Parkash had in fact conspired and had not himself fired and it is the petitioner, who has fired at the complainant, the complicity of the petitioner cannot be doubted. It has further been submitted that when the petitioner was arrested, a pistol was recovered from him and that as per the report of the FSL, the shot had been fired from the pistol recovered from the petitioner. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 1 year and that no PW out of cited 25 PWs has been examined till date. It has also been informed that the petitioner is involved in two more cases including a case registered under Section 307 IPC.

6. I have considered rival submissions addressed before this Court.
7. It is no doubt correct that at the time of lodging of FIR, the petitioner had named one Shiv Parkash to be the assailant, whereas subsequently the version was slightly changed and in the supplementary statement, the petitioner has been named to be the person, who had fired at the complainant. In any case, this Court finds that the petitioner has been behind bars for a substantial period of about 1 year and otherwise has a clean record. Conclusion of trial will take time inasmuch as none out of cited 25 PWs has been examined till date. In these circumstances, 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 regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

22.04.2022

Vimal

**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**