

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

SR. No.205

CRM-M-20436-2021

Date of Decision:24.02.2022

Sumit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr. Balraj Singh, Advocate,
for the petitioner.

Mr. Amreek Singh Narwal, DAG, Haryana.

SANT PARKASH, J.

Prayer in the present petition is for grant of regular bail in FIR No.189 dated 01.10.2020 registered under Sections 148/149/307/323 IPC (Sections 201/302 IPC added later on) and Section 25 of the Arms Act at Police Station Dujana.

As per the allegations levelled in the FIR, the petitioner along with co-accused while carrying iron rods and dandas in their hands started fighting with the complainant party. Further allegations are that the petitioner fired a fatal shot from his pistol, hitting Ravi, resulting into his death. Remaining accused inflicted injuries upon the complainant-Manoj and Sagar with iron rods and dandas.

Learned counsel for the petitioner submits that the alleged gun shot had not been fired by the petitioner as during the course of investigation, it was found that co-accused Akash had fired the gun shot, which hit Ravi (deceased) and the gun was also recovered from his possession. He further submits that it is an iron pipe which has been recovered from the petitioner. He next submits that vide order dated 01.03.2021 passed in CRM-M-8617-2021, this Court had granted the regular bail to co-accused-Shekhar. He also submits that the petitioner is in custody since 12.10.2020. Thus, he prays for acceptance of the present petition.

On the other hand, learned counsel for the State submits that the petitioner was present at the place of occurrence and does not deny that he was armed with an iron pipe. He further submits that the petitioner had inflicted injuries on the person of the complainant. However, he does not dispute the custody period of the petitioner.

Heard.

From the perusal of the case file, it would be revealed that an affidavit of ASP, Jhajjar has been filed, in terms of order dated 01.12.2021, wherein it has been mentioned that the complainant subsequently made a supplementary statement, wherein he stated that he had wrongly mentioned that the petitioner had fired the fatal shot upon Ravi (deceased). It is also not disputed that the petitioner is behind the bars since 12.10.2020, investigation has been completed and challan has been presented in the Court.

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 12.10.2020 and co-accused (Shekhar) has already been granted the concession of regular bail, 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.

24.02.2022
mks

(SANT PARKASH)
JUDGE

Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO