

CRM-M-23546-2021

Date of Decision: 08.02.2022

Pawan alias Poni

.....Petitioner

Vs.

State of Haryana

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. Aditya Sanghi, Advocate,
for the petitioner.

Mr. Anmol Malik, DAG, Haryana

AMOL RATTAN SINGH, J. (Oral)

Case heard *via* video conference.

By this petition, the petitioner seeks the concession of 'regular bail' under the provisions of Section 439 Cr.P.C., upon FIR No.364, dated 21.08.2020, having been registered at Police Station City, Tohana, District Fatehabad, alleging therein the commission of offences punishable under the provisions of Section 307/342/379-B/394/411/397/450/34 of the IPC and Section 25 of the Arms Act, 1959.

Learned counsel for the petitioner submits that admittedly there is no injury either on the person of the complainant or anybody accompanying him, with the allegation of the commission of an offence punishable under Section 307 of the IPC only being because allegedly a shot was fired at the “complainant party” but with nobody injured; and as regards the death of a co-accused of the petitioner, though the allegation is that he shot himself, actually he was shot by the complainant and his companions.

Learned State counsel submits that even as per the affidavit filed by the Superintendent of Police, Fatehabad, the investigating agency found that the co-accused of the petitioner had shot himself.

Upon query to him he submits that the petitioner, as per his instructions, has been in custody since August 2020, with no prosecution witness examined so far.

He further submits that there are three other criminal cases registered against the petitioner, one under the provisions of the Arms Act (with no other offences alleged), one for the alleged commission of an offence punishable under Section 323 etc. and another with regard to the commission of an offence punishable under Section 379/411 of the IPC.

Considering the fact that there is no injury stated to have been received by anybody on the side of the complainants, and looking at the period of custody of the petitioner and the nature of other cases registered against him, as also the stage of the trial in the present case, without making any comment on the actual merits of the case, the petition is allowed with the petitioner ordered to be admitted to bail, upon him furnishing adequate bail and surety bonds to the satisfaction of the trial court.

February 08, 2022

dharamvir//

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES
Whether Reportable : NO