

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

CRM-M-31673-2022 (O&M)

Date of decision : 29.10.2022

Darshan Singh @ Bhura

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Ravinder Bangar, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

PANKAJ JAIN, J. (Oral)
CRM-28691-2022

This is an application seeking amendment in the main petition.

Notice in the application.

On the asking of the Court, Mr. Ramesh Kumar Ambavta, AAG, Haryana, accepts notice on behalf of the State and submits no objection.

For the reasons mentioned in the application, the same is allowed. Amended petition under Section 439 Cr.P.C. is taken on record.

CRM-M-31673-2022

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing Rapat No.18 dated 07.09.2020 in FIR No.0227, dated 06.09.2020, registered for the offence punishable under Section 379-A of IPC (Sections 148, 149, 285, 307, 323, 325 and 506 of IPC and Sections 25, 27 and 54 of Arms Act were added later on), registered at Police Station Chhachhrauli, District Yamuna Nagar.

2. Counsel for the petitioner contends that it is a case of version and cross-version. Though as per the allegations, the petitioner is alleged to have fired a gun shot at Rajat and Jaspreet. However, it is evident from the medical record that none of them received gun shot injury.

3. Counsel submits that the petitioner is in custody since 14.03.2022. The investigation is complete and the challan stands presented. Even the evidence has commenced. It is a case of version and cross-version and thus cannot be said to be a case of assault which would attract offence punishable under Section 307 IPC.

4. Counsel for the State however submits that the petitioner is alleged to have fired a gun shot and thus it cannot be said that he cannot be attributed offence punishable under Section 307 IPC. However, he does not dispute the fact that it is a case of version and cross-version and that there is no gun shot injury on the body of Rajat and Jaspreet Singh as per the medical report. He also does not dispute that the challan already stands presented and the trial is in the midst.

5. Without commenting on the merits of the case and in view of the fact that the petitioner is in custody since 14.03.2022 and it is a case of version and cross-version, wherein the investigation already stands concluded and the challan stands presented, the present petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

6. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

7. Since the main case has been decided, pending miscellaneous application, if any, also stands disposed off.

(PANKAJ JAIN)
JUDGE

29.10.2022

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No