

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

219

CRM-M-33972-2022 (O&M)

Date of Decision: 07.12.2022

Shubham

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Vikas Bhardwaj, AAG, Haryana,
assisted by ASI Babulal.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.159 dated 05.05.2022 at Police Station Sadar Kanina, District Mahendergarh, under Sections 323/307/201/120-B IPC and Section 25 of the Arms Act.
2. The FIR was lodged at the instance of Lokesh, wherein it has been alleged that on 05.05.2022, when he, Raghu, Abhishek alongwith some other boys were playing basketball in the playground of Government School of the village, then Shubham (petitioner) came there and used abusive language and said that he will shoot the complainant. Thereafter, the complainant returned back home. It has been alleged that after a short while Shubham (petitioner) accompanied by his father Ramkhilari, Suman and Mukesh wife of Ramkhilari came there. Shubham is alleged

to be carrying a country-made pistol and is stated to have fired 3/4 shots at the complainant, but the same did not hit him. The complainant further alleged that Ramkhilari, Suman and Mukesh pelted stones on him.

3. Learned counsel for the petitioner has submitted that a false FIR has been lodged against the petitioner and that admittedly no fire arm injury was sustained by the complainant. Learned counsel for the petitioner, while drawing attention of this Court to the MLR of the complainant – Lokesh, which is annexed as Annexure P-7, has submitted that only 2 injuries were found on the person of the complainant which were in the shape of lacerated wounds on left ankle and left foot. It has further been submitted that as a matter of fact even the accused/petitioner Shubham himself sustained injuries in the shape of contusions on his wrist and left knee, as are depicted in his MLR annexed as Annexure P-8 and that as such, the genesis of occurrence has been suppressed and no authenticity can be attached to the allegations leveled in the FIR. Learned counsel has further submitted that although a pistol is alleged to have been recovered from the petitioner, but as per the Mechanical Examination Report, the same was not found to be in working order.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and was carrying a pistol and had also inflicted injuries to the complainant, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 6 months and that he is not involved in any other case. It has also been informed that charges are yet to be framed and as many as 15 PWs have been cited.

5. This Court has considered rival submissions.
6. The petitioner indeed is named in the FIR and is alleged to have fired at the complainant. However, admittedly no fire arm injury was sustained by the complainant. The pistol recovered from the accused/petitioner was got mechanically examined and is reported to be not found in working order. The injuries found on the person of the complainant i.e. on his left ankle and left foot are in the nature of lacerations. The 2 injuries found on the person of the petitioner are unexplained. The petitioner otherwise is not stated to be involved in any other case and has been behind bars since the last about 6 months. The trial has not even commenced and as many as 15 PWs have been cited. In these circumstances, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. 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.
7. It is, however, made clear that none of the observations made above shall be taken to be an expression on merits of the main case.

07.12.2022

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