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

CRM-M-48826-2021

Date of Decision: 26.07.2022

Hari Om

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Piyush Khanna, Advocate,
for the petitioner.

Mr. Naveen S. Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.73 dated 30.03.2021, under Sections 307, 506 & 34 of the IPC and Section 25 of the Arms Act but later on converted under Section 195 of the IPC and Section 27 of the Arms Act, registered at Police Station Line Paar, Bahadurgarh, District Jhajjar.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 18.06.2021 and after the completion of investigation, the challan has been presented before the competent Court and charges have also been framed. He further submitted that in the present case the petitioner, who was actually the complainant, had lodged the FIR against the accused persons and this FIR was lodged under Sections 307,

506 & 34 of the IPC read with Section 25 of the Arms Act, since he was shot in his arm by way of fire-arm by the accused persons. However, during the course of investigation, the police deleted the aforesaid sections on the ground that it was a self-inflicted injury by the petitioner and Section 195 of the IPC and Section 27 of the Arms Act were added and the petitioner was arrested. He also submitted that it was a case where the accused persons had connived with the police and the petitioner was arrested in a case where he himself was a victim. He further submitted that even otherwise also, the question as to whether it was a self inflicted injury or not, is to be decided at the time of trial by adducing evidence and he has already faced incarceration for more than 1 year, and therefore, may be considered for the grant of regular bail.

On the other hand, Mr. Naveen S. Panwar, learned DAG, Haryana has submitted that it is correct that the petitioner is in custody since 18.06.2021 and charges have been framed in the present case.

I have heard the learned counsel for the parties.

It is a case where the petitioner has faced incarceration for more than 1 year since 18.06.2021 and he himself was the complainant but thereafter the police deleted the Sections 307, 506 & 34 of the IPC and Section 25 of the Arms Act and added Section 195 of the IPC and Section 27 of the Arms Act against the petitioner and arrested him. The investigation of the case has already been completed and the fact that as to whether the petitioner had self inflicted injury or not can only be ascertained at the time of trial, which may take long time. Apart from the same, it is not the case of the State that in case the petitioner is released on bail then he

may abscond or flee from justice or may influence any witness, therefore, in view of the aforesaid facts and circumstances of the case, this Court is of the view that the petitioner deserves the concession of regular bail.

Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

26.07.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |