

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

(I)

CRM-M-50834-2021 (O&M)

Date of Decision:- 10.5.2022

Ravinder

... Petitioner

Versus

State of Haryana

... Respondent

(II)

CRM-M-51598-2021 (O&M)

Parveen

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kartar Singh Malik (I), Advocate, for the petitioner
in CRM-M-50834-2021.

Mr. Amit Khari, Advocate for
Mr. Ramnish Puri, Advocate, for the petitioner
in CRM-M-51598-2021.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Jagjeet.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned two petitions wherein petitioners Ravinder and Parveen, seek grant of regular bail in a case registered vide FIR No. 112, dated 11.5.2021, Police Station Sadar Dadri, District Dadri, under Sections 307, 34 IPC and Section 25 of Arms Act (Section 120-B IPC added later on).
2. The FIR was lodged at the instance of Amit wherein it is alleged that on the night intervening 10/11.5.2021 at about 1.30 am, while he and his brother were sleeping behind their wine shop, they heard and saw two boys hurling abuses and were kicking on the iron gate of the wine shop. Upon hearing the said noise, he along with his brother reached the shop and saw that Ravinder and Parveen were present there. When he confronted them Ravinder took out a pistol and fired at him with an intention to kill him, but the complainant ducked down. Parveen is also alleged to have fired at him. The complainant and his brother ran away in order to save themselves. Later when they returned back to the place of occurrence, they saw that the accused had also fired at the shutter of the wine shop. It is alleged that Parveen and Ravinder while firing at them were saying that since the complainant had killed Kala Sahwas, therefore, they will take revenge for the same.

3. Learned counsel for the petitioner has submitted that although it is alleged that the assailants i.e. petitioners had fired at the complainant from a close range with their pistols, but interestingly neither the complainant nor his brother are stated to have been injured and which apparently shows that a false case has been foisted against them. It has further been submitted that the petitioners in any case have been behind bars since the last about 1 year and since no PW has been examined till date, the petitioner deserves the concession of bail.
4. On the other hand, learned State counsel has submitted that in order to attract an offence under Section 307 IPC, existence of an injury is not *sine qua non* and that since both the petitioners are specifically named in the FIR and there are specific allegations that they had fired at the complainant offence under Section 307 is clearly made out. It has further been informed that while Ravinder stands involved in 6 other cases, Parveen stands involved in two more cases which would show that they are seasoned criminals. It has also been informed that the petitioners have been behind bars since the last about one year and that none out of the cited 24 PWs has been examined till date.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that it is a case of no injury and that the petitioners otherwise have been behind bars for a substantial period of about 1 year and that the trial has not even commenced till date inasmuch as no PW has been examined so far, further detention of the petitioners will not serve any useful purpose. The petitions, as such, are accepted and the petitioners are ordered to be released on bail

subject to their furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

7. A photocopy of this order be placed on the file of each connected case.

10.5.2022
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No