

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

CRM-M-51227-2021 (O&M)
Date of Decision:- 25.7.2022

Ram Parsad

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Partap Singh, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Krishan Chand.

Mr. Ashok K. Sharma (Bhanu), Advocate,
for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.244, dated 07.05.2021, Police Station HTM, District Hisar, under Section 307 IPC, Sections 25/54/59 of Arms Act and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989 (later challaned under Sections 294, 307 IPC, Section 27 of Arms Act and Section 3, 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act) 1989.

2. The allegations, in nutshell are that the petitioner had fired at Sombir, Sunita, Gautam and Mohan with his revolver and had injured them.
3. Learned counsel for the petitioner has submitted that the FIR came to be lodged under some misunderstanding and that when all the four injured stepped into the witness box during the course of trial, they did not support the case of prosecution at all. Learned counsel in this regard has drawn the attention of this Court to the testimonies of PW-1 Mohan, PW-2 Gautam, PW-3 Sombir and PW-4 Sunita annexed as Annexures P-5 to P-8.
4. Though, the aforestated position regarding resiling of witnesses is not disputed by learned State counsel, who is assisted by learned counsel for the complainant. However, he has opposed the petition on the ground that it is a case where the petitioner has been able to win over the witnesses who have stated falsely. It has been submitted that the medical evidence as well as the report of FSL fully establish the allegations as levelled in the FIR and in these circumstances the petitioner does not deserve the concession of bail. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last about 1 year and 2 ½ months and that as on date 12 out of cited 20 PWs have been examined. It has also been informed that the petitioner is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that all the material witnesses have resiled and the petitioner otherwise has been behind bars for a substantial period of 1 year and 2 ½ months, further detention will not serve any

useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

25.7.2022
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(GURVINDER SINGH GILL)
JUDGE

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