

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.214

Case No. : CRM-M-3745-2023

Date of Decision : March 14, 2023

Ashok Kumar

.... Petitioner

vs.

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Akshay Kumar Jindal, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

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GURBIR SINGH, J. :

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.158 dated 06.10.2022, under Sections 307, 34 IPC and Section 25(1-B)(a) of the Arms Act, registered at Police Station Sohna Sadar, District Gurugram.

Pursuant to the order passed by this Court on the last date of hearing, reply by way of an affidavit of Naveen Sindhu, HPS, Assistant Commissioner of Police, Sohna, District Gurugram, on behalf of respondent – State, has been filed in the Court today, which is ordered to be taken on record.

The case in question was registered on the basis of statement made by one Parveen. As per the allegations, on 05.10.2022, at about 10:15 PM, his children and children of his neighbour returned to the house after

watching Dusshera Mela. When they went towards the gate of the house, Ashok Kumar fired three shots from his pistol upon them. He finished all the bullets. When Ashok was returning to his house, they chased him and made his video where he was seen having a pistol in his hand. Then they called at No.112. The PCR vehicle reached at the spot. Another vehicle came from the Police Station. The accused fled away by scaling the wall of his house. They tried to chase him but could not apprehend him. After some time, accused along with his son namely Sagar, armed with lathis, came there and climbed on the roof of his house. They overpowered him. Police was called. Earlier also, he had fired shot upon them.

Learned counsel for the petitioner has submitted that the petitioner and complainant are real brothers. The petitioner is behind bars since 06.10.2022. The dispute is with regard to relinquishment deed dated 01.07.2010, which was validly executed by the complainant in favour of the petitioner. In fact, on 05.10.2022, the complainant along with some other persons, trespassed into the house of the petitioner and gave beatings to him. FIR No.161 dated 07.10.2022 was registered under Section 147, 149, 323, 342, 365, 452 IPC against the complainant and others at Police Station Sohna, District Gurugram. It is a case of no injury. The instant FIR is counter-blast of the FIR lodged by the petitioner against the complainant and others.

Learned State Counsel, on the other hand, while opposing the prayer made by learned counsel for the petitioner, states three more FIRs have been registered against the petitioner. Three shots were fired by the petitioner at the complainant with intention to kill him and his son.

Therefore, the petitioner should not be granted concession of regular bail. However, he does not deny the fact that the petitioner is in custody since 06.10.2022 and challan has already been presented in this case.

Heard.

In the case in hand, the petitioner is in custody since 06.10.2022. The challan has also been presented. It is a case of no injury. On asking, learned State counsel has submitted that no evidence is collected as to where the bullets had hit and even the fired bullets could not be recovered. Only empty cartridges were recovered. Since the completion of trial will take a long time, no useful purpose would be served by keeping the petitioner behind bars for a long period.

Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate, Gurugram.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

March 14, 2023
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.