

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

CRM-M-5741-2023 (O&M)

Date of Decision:-8.2.2023

Ajay Singh @ Nilma

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. K.S. Dhaliwal, Advocate,
Mr. K.P.S. Virk, Advocate and
Mr. J.S. Kang, Advocate for the petitioner.

Mr. Surender Singh, Assistant Advocate General, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.96, dated 2.3.2021 at Police Station Jind Sadar, District Jind, under Sections 307, 34 of Indian Penal Code and Section 25 of Arms Act, wherein offences under Sections 27 and 30 of Arms Act were added subsequently.
2. The FIR lodged at the instance of Vikram, wherein it is alleged that on 1.3.2021 Ajay Singh @ Nilma had fired a shot at him with his pistol, which hit him in his abdomen. It is also alleged that thereafter Ajay Singh @ Nilma fired from his country made pistol and the pellet from the said shot hit complainant's brother Vikas on his neck and back.
3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that the falsity would be evident from the

fact that when the complainant, who is also injured, stepped into the witness box, he did not support the case of prosecution. Learned counsel in this regard has drawn the attention of this Court to the statement of complainant i.e. PW-5 Vikram dated 21.11.2022 (Annexure P-6), which shows that he has categorically stated that the accused present in the Court were not the assailants.

4. Opposing the petition, learned State counsel has submitted that the petitioner is a habitual offender having been involved in as many as 20 cases. It has, however, been informed that the petitioner as on date has been behind bars since the last more than 1 year and 10 months. It has also been informed that 8 PWs out of the cited 22 PWs have been examined till date.
5. This Court has considered the rival submissions.
6. Though the petitioner is specifically alleged to have fired at the complainant-Vikram but this Court finds that the complainant has not supported the case of prosecution at all when he stepped into the witness-box. The petitioner has been behind bars since the last more than 1 year and 10 months. Conclusion of trial is likely to consume time inasmuch as only 8 PWs out of the cited 22 PWs have been examined so far. In these circumstances, further detention of the petitioner will not serve any useful purpose. 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.

8.2.2023

pankaj

**(Gurvinder Singh Gill)
Judge**Whether speaking /reasoned
Whether ReportableYes / No
Yes / No