

CRM-M-31394-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31394-2023

Date of decision: 07.08.2023

Mohan @ Monu

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Harish Mehla, Advocate and
Mr. Himanshu Singh, Advocate,
for the petitioner.

Mr. Vishal Malik, DAG, Haryana.

Mr. Ramnish Puri, Advocate,
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

1. Through this petition, the petitioner seeks regular bail in case bearing FIR No.106 dated 14.04.2023, registered under Sections 307, 34, 458 and 506 IPC and Section 25 of the Arms Act, 1959, at Police Station Civil Line, Jind.

2. Status report dated 25.07.2023 by way of affidavit of the Deputy Superintendent, Jind, Law and Order, filed in the Registry, is taken on record.

3. Learned counsel for the petitioner submits that though as per the allegations, the petitioner entered the house of the complainant and had fired five gun-shots, yet the fact remains that it is a case of no injury. It is further submitted that recovery has already been effected; that the petitioner has been in custody since 18.04.2023, and that prosecution witnesses are

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yet to be examined. So far as other cases registered against the petitioner, are concerned, he stands released on bail therein.

4. On the other hand, learned State counsel and the learned counsel for the complainant, submit that while entering the house of the complainant with pre-meditation, the petitioner fired gun-shots at the complainant, but the same had missed the target and ricocheted off the door. It is further submitted that five empty cartridges had been recovered from the spot; that material witnesses are yet to be examined and that the petitioner is a habitual offender.

5. I have heard the learned counsel for the parties.

6. Though recovery of weapon had been effected from the petitioner yet the fact remains that it is a case of no injury. The petitioner has been in custody since 18.04.2023. The prosecution witnesses are yet to be examined. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars. So far as other cases registered against the petitioner, are concerned, he has been bailed out therein.

7. In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

07.08.2023

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No