

CRM-M-34789-2022

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-34789-2022

Date of decision: 08.05.2023

Amrik Singh

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Gurpreet Singh Bhasin, Advocate,
for the petitioner.

Ms. Tanushree Gupta, DAG Haryana.

Mr. A.P.S.Deol, Sr. Advocate with
Mr. Manvinder Sidhu, Advocate and
Mr. Karan Kalia, Advocate,
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

1. Through this third petition, the petitioner seeks regular bail in case FIR No.274 dated 25.08.2019, registered at Police Station Civil Lines, District Sirsa, under Section 302 IPC and Sections 25 and 27 Arms Act, 1959.

2. Learned counsel for the petitioner contends that a scuffle over some financial transaction had taken place between the petitioner and the deceased, who were travelling in a car. He further contends that a gun-shot injury on the left thigh of the deceased has been attributed to the petitioner; that the weapon allegedly used by the petitioner is a licensed one, and that recovery has already been effected from the petitioner. He further submits

CRM-M-34789-2022

that the deceased was a diabetic patient, as per Bio Chemistry Report and instead of being taken to the hospital, he was taken to a farm house. Even as per the prosecution version, only single injury, that too, on the non-vital part of the deceased, has allegedly been attributed to the petitioner, from which it appears that the petitioner had no intention to kill the complainant.

3. Learned counsel for the petitioner further contends that the petitioner received one injury on his head and one on his hip, but his cross-version had not been recorded. He further contends that the petitioner has been in custody since 27.08.2019 and that 11 witnesses, including the material one, have already been examined.

4. On the other hand, learned State counsel and the learned Senior Counsel for the complainant submit that the petitioner had actively participated in the occurrence, and that an injury on the pelvic region has been attributed to the petitioner. They further submit that Investigating Officer is yet to be examined; that the petitioner has already moved applications under Section 216 Cr.P.C. and 173(8) Cr.P.C., and that delay in trial is solely attributable to the petitioner due to the applications moved by him on one pretext or the other. Learned Senior Counsel for the complainant also submits that in respect of the alleged injuries suffered by petitioner-Amrik Singh, Dr. Gagandeep while appearing before the trial Court as PW 2, stated in his cross-examination that possibility qua said injuries shown in the MLR, being caused due to fall, self-inflicted and superficial, could not be ruled out. Out of 21 prosecution witnesses, 11 witnesses have been examined so far.

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

CRM-M-34789-2022

6. The petitioner has been attributed injury on the non-vital part of the deceased. The petitioner has been in custody since 27.08.2019. As many as 11 witnesses, including the material one, have already been examined. Trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

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.

08.05.2023
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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