

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

CRM-M-33410-2023

DECIDED ON: 19.07.2023

RAVINDER SINGH TOMAR

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Deepak Aggarwal, Advocate for the petitioner.

Mr. Sandeep Singh Maan, Addl. AG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C seeking regular bail in FIR No.144, dated 17.08.2020, under Sections 307, 420, 467 IPC read with Sections 120-B, 468, 471 and 48(1b) (a), 27(1) of Arms Act, 1959, registered at Police Station Udyog Vihar, Gurugram (Annexure P-1).

2. Learned counsel for the petitioner urges that as per the allegations in the FIR, a fire shot injury has been given, which hit on the left hand and left side of waist and is not on any vital part of the body to attract Section 307 IPC. He asserts that a bare reading of the FIR (Annexure P-1) in itself suffice makes out prima facie that Sections 420, 467, 468 and 471 are not made out by any stretch of imagination.

3. Learned State counsel on the other hand submits that the petitioner was arrested on the date of registration of FIR itself i.e., on 17.08.2020 and in the light of the allegations under Arms Act having given gunshot injury on the waist of the injured-victim-complainant, Section 307 has been rightly framed against the petitioner. He further submits that in case this Court considers the concession of regular bail to the petitioner, heavy local surety be imposed since, as he is a resident

escaping to his State out of the jurisdiction of the trial Court.

4. Be that as it may, since the petitioner has already suffered custody of almost 3 years; he is not involved in any other case, as nothing has been put forth by learned State counsel; offences under Sections 420, 467, 468, 471 of IPC prima facie do not seem to have been made out and the fact that trial is at the initial stage, wherein 9 witnesses are yet to be examined out of total 19 witnesses, which will take reasonable long time, no useful purpose would be served by keeping the petitioner behind the bars, therefore, the petitioner is directed to be released on regular bail subject to his submitting two local sureties on the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

5. The present petition is, hereby, allowed.

6. However, it is made clear that any observation made hereinabove, shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

19.07.2023

Meenu

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