

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-36081 of 2023 (O&M)
Date of decision: 1st August, 2023

Madan

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Rajat Singh, Advocate for the petitioner.
Mr. Rajiv Sidhu, DAG, Haryana.

AVNEESH JHINGAN, J (Oral):

1. This is second petition under Section 439 Cr.P.C. is filed seeking regular bail in:
- | FIR No. | Date | Police Station | Sections |
|---------|------------|----------------|---|
| 514 | 23.11.2021 | Sadar Rohtak | 307, 506 IPC and Sections 25, 27 and 30 of the Arms Act, 1959 |
2. The earlier petition was dismissed as withdrawn on 3.8.2022 realising that the complainant is yet to be examined.
3. The brief facts are that the FIR was got registered by Sharvan Kumar. He alleged that on 23.11.2021, he along with his cousin while standing near the shop of Ranbir were attacked by the petitioner (Madan). He fired shots inflicting injuries on left side of stomach and right side of back of the cousin and below the right eye of the complainant. The incident took place due to an earlier altercation between the parties. The petitioner was arrested and at his instance, a revolver, five empty cartridges and ten live cartridges were recovered.
4. Learned counsel for the petitioner submits that the petitioner is in custody since 23.11.2021, the complainant has expired and the injured

has not supported the case of the prosecution. It is further submitted that the petitioner is not involved in any other case.

5. Learned counsel for the State opposes the prayer for grant of bail and submits that there was recovery of revolver and cartridges at the instance of the petitioner.

6. The observations made hereinafter shall not be construed as an expression of opinion on the merits of the case.

7. The petitioner is in custody since 23.11.2021; conclusion of trial is likely to take time; the complainant has died; the material witness i.e. the injured has turned hostile; no further recovery is to be made and no useful purpose would be served by depriving the personal liberty of the petitioner, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

8. The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

1st August, 2023
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1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No