

2023:PHHC:128350

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

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**CRM M-49245 of 2023
Date of Decision: 04.10.2023**

Sohit

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Lalit Kumar Narang, Advocate, for the petitioner.

Mr. Gaurav Gurcharan Singh Rai, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.149 dated 21.04.2022 registered under Section 307 of IPC and Sections 25/54/59 of Arms Act (Section 201 IPC and Section 27 of Arms Act added later on) at Police Station Rohtak Sadar, District Rohtak.

2. The FIR in the present case was got registered by Ajay son of Kaptan Singh by alleging that about 02 months ago, Sohiti had a fight with him and had threatened to kill him. On 21.04.2022, he had gone to attend a marriage ceremony in the village and Sohiti had also come there. While he was returning from the wedding and reached near his house, Sohiti had come on a motorcycle and took out a pistol from his pocket and fired a shot at him with an intention to kill him and the shot had hit him in the chest. After extending the

threat to the complainant, the accused fled from the spot. With these main allegations, the FIR was registered in the present case.

3. Learned counsel for the petitioner contends that the petitioner is a student and is in custody since 25.04.2022. He further contends that earlier the matter was compromised between the parties and both the parties had approached this Court by way of a petition bearing No. CRM M-11841 of 2023 for quashing of the FIR on the basis of the compromise. Both the parties were directed to appear before the trial Court to get their statements recorded with regard to the factum of compromise. However, later on, the complainant retracted from the compromise and the statements of the parties regarding the compromise could not be recorded before the trial Court and the said petition was withdrawn from this Court. Learned counsel further contends that only 01 witness out of 19 witnesses has been examined so far by the prosecution and the trial has been delayed without any fault on his part.

4. On the other hand, learned State counsel submits that the petitioner is the principal accused and had fired at the complainant/injured with an intention to kill him and does not deserve the concession of bail.

5. I have heard learned counsel for the parties and perused the record.

6. The record shows that the petitioner is in custody for the last more than 01 year and 05 months and only 01 witness out of total

19 witnesses has been examined so far. Even, the case was compromised between the parties, though the complainant had withdrawn his consent at a later stage. Apart from that, the prosecution has not placed on record any evidence to show that the petitioner is in a position to tamper with the prosecution evidence or there are chances of fleeing from the process of justice.

7. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

04.10.2023

amit rana

(N.S.SHEKHAWAT)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No