

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

219**CRM-M-49073-2023(O&M)****Date of Decision: 04.10.2023**

Dinesh Desh

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Rakesh Nehra, Senior Advocate, with
Mr. Saurabh Bhorla, Advocate;
Mr. Ankit Yadav, Advocate and
Mr. Vikalp Hooda, Advocate for the petitioner.

Mr. Naveen Kumar Sheoran, DAG Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.134 dated 08.04.2023, under Sections 307 and 34 IPC and Section 25 of the Arms Act, registered at Police Station Bilaspur, District Yamuna Nagar.
2. Learned Senior Counsel for the petitioner has submitted that it is a case where the petitioner has been falsely implicated. He submitted that it is a case of version and a cross version, wherein the complainant party had attacked the business premises of the petitioner where the business of stone crushing was going on. He submitted that in the cross case all the accused have been granted bail and both the FIRs were lodged on the same date. He submitted that the petitioner rather suffered 08 injuries. So far as other party

is concerned, the attribution qua the petitioner was with regard to the injury on the leg by his firearm. He submitted that it is a case where the petitioner has acted in his self-defence and the arm was a licensed weapon. He submitted that the investigation of the case has already been completed and the challan has been presented before the competent Court and trial of the case may take long time. He submitted that the petitioner is having clean antecedents as he is not involved in any other case and the petitioner is in custody for about 06 months and, therefore, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr. Naveen Kumar Sheoran, DAG, Haryana has submitted that so far as the custody of the petitioner is concerned, the same is correct. He has, however, submitted that in the present case the injury has been caused by the petitioner by his firearm.

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

5. The petitioner is in custody for about 06 months and after completion of investigation, the challan has been presented. The petitioner is stated to be not involved in any other case, as per the learned counsel for the parties. It is a case of version and a cross version and as per the learned Senior Counsel for the petitioner, he has received 08 injuries. So far as the injury received by the complainant party is concerned the same was with firearm on the leg and it is yet to be seen at the time of trial who was the aggressor party. Furthermore, it is not the case of the learned State counsel that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

6. Therefore, considering the aforesaid totality and circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner.
7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned, if not required in any other case.
8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

04.10.2023
Mangal Singh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No