

CRM-M-54632-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-54632-2023
Date of decision: 07.11.2023

SANJAY KUMAR

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. B.S.Sarohan, Advocate,
for the petitioner.

Mr. Viney Phogat, DAG, Haryana.

RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.104 dated 01.06.2023, registered under Sections 307 and 34 IPC and Section 25 of the Arms Act, 1959 (Section 27 of the Arms Act, 1959 added later on), at Police Station Tigaon, District Faridabad.

2. It is submitted by the counsel for the petitioner that the case against the petitioner is totally concocted and fabricated. The petitioner is not involved in the crime at all. Even as per the case of the prosecution, the injury is only on the ankle of the complainant, which is totally a non-vital part. Therefore, invoking Section 307 IPC in the matter is a moot point. The petitioner is in custody since 05.06.2023. The investigation of the case is already over. The petitioner is not required for any investigation purposes. There is no other case registered against the petitioner. Hence,

the petitioner deserves to be released on bail pending trial.

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3. On the other hand, learned State Counsel, on instructions from the ASI Inderjit, submits that the petitioner has committed a dastardly act of firing three shots on the complainant, by taking the licensed weapon of the co-accused. Therefore, the petitioner does not deserve any concession of bail pending trial. However, it is not disputed by learned State counsel that the injury alleged against the petitioner is on the non-vital part of the complainant. It is also not disputed that there is no other case against the petitioner.

4. In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

07.11.2023
parveen kumar

(RAJBIR SEHRAWAT)
JUDGE

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