

2023:PHHC:144253

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

228

CRM M-55870 of 2023
Date of Decision:14.11.2023

Sonu @ Kale

...Petitioner

Vs.

State of Haryana

...Respondent

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

Present : Mr. D.S. Matya, Advocate
for the petitioner.

Mr. Gaurav Gurcharan Singh Rai, DAG, Haryana.

Mr. Tushar Gautam, Advocate, for the complainant.

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.173 dated 17.07.2023 (date wrongly mentioned as 17.07.2022 in the impugned order) registered under Sections 147, 149, 323, 452, 506 and 307 IPC and 25(IB) of the Arms Act at Police Station DLF Phase I, District Gurugram.

2. As per the case of the prosecution, at about 10.00 p.m. on 16.07.2023, complainant and Ishwar Tanwar were present at the liquor vend and in the meantime, Kale and Rahul alongwith their two other companions came at the liquor vend and after threatening them, they left the spot. After 15/20 minutes, again Kale, Rahul and Mohit

alongwith their three companions came and after reaching there, Kale fired with an intention to kill the complainant. However, the complainant had a narrow escape and one cartridge had hit the board of the liquor vend. The other companions of Kale were also having *lathies* and *dandas* in their hands and had attacked the complainant with an intention to kill him. While leaving, the companions of Kale had also extended a threat to kill the complainant. With these main allegations, the FIR has been registered in the present case.

3. Learned counsel for the petitioner contends that in the present case, it has been falsely alleged that the petitioner had allegedly fired at the board of the liquor vend. However, as per the CCTV footage, Ankush had allegedly fired at the liquor vend and there was a trivial dispute between the parties and all the issues have been resolved between the parties. By referring to affidavits (Annexures P-2 and P-3), learned counsel further contends that the parties have entered into a compromise and have no grudge against each other. He further contends that in the present case, no person had suffered the injury and the pistol has already been recovered from the present petitioner. Learned counsel further contends that the petitioner is in custody since 19.07.2023 and challan has already been presented in the present case.

4. On the other hand, learned State counsel assisted by learned counsel for the complainant has vehemently opposed the

prayer made by the learned counsel for the petitioner on the ground that there are serious allegations against the petitioner and the petitioner is not entitled for the concession of regular bail.

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

6. It is apparent from the annexures P-2 and P-3 that the matter has been amicably resolved between the parties. The pistol has already been recovered from the present petitioner and he is in custody for the last more than two months. Moreover, no fire arm injury was suffered by any person in the present case.

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.

14.11.2023

(N.S.SHEKHAWAT)

amit rana

JUDGE

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