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

**CRM-M-58474-2023
Date of decision : 24.11.2023**

LUCKY

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Shashikant Gupta, Advocate for the petitioner.

Mr. A.K. Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.564 dated 26.08.2020 registered for the offences punishable under Sections 307/34 IPC and Sections 148, 149, 120B, 201, 420, 474 IPC added later on and Sections 25-54-59 of Arms Act, 1959 at Police Station Shivaji Colony, District Rohtak.

2. FIR was registered on the statement made by Darshan Lal son of Ramji Dass alleging as under :

“xx I, Darshan Lal son of Sh.Ramji Dass, caste Punjabi, is resident of House No.375/4, Krishna Colony, Kacha Beri Road, Rohtak and is running a fruit staff at Kacha Beri Road Chowk since past about 20 years. Today, at about 5.15 A.M., as usual, I left for Subzi Mandi on my Activa bearing Registration No.HR 12

AF 0491 for buying fruit. At about 5.35 P.M., as I arrived near Mandir in Mandi, youngsters, riding on a motorcycle, came from backside and coming close to me, they fired on me with their Pistol with an intention to kill me, which hit on ankle of my left leg. I saw towards the person firing on me, who was Lucky son of Rakesh Kumar, resident of Kacha Beri Road, Rohtak. As I looked backside, his brother Rahul son of Rakesh Kumar & his cousin brother Akshay son of Pammy found present little behind. I raised alarm, on which, all the assailants with their arm fled away from the spot. Reason of grudge is that my nephew Sachin son of Krishan Lal is having dispute with family of said Lucky since past long time. Hence due legal action may be taken against said accused. My family members arrived at the spot and got me admitted in P.G.I. Rohtak for sake of treatment. xxx”

3. The petitioner is accused of having fired from pistol. The bullet of which hit on ankle of the left leg of the victim. Counsel for the petitioner submits that the petitioner is behind bars for more than 3 years and 2 months. He has produced the medical opinion which reads as under :

“xx as per BHT No – MRD/3993 dated 25-09-2020 and as per radiological report, a foreign body radio-opaque in cross section is noted over (L) supra acetabular area. No vessel injury present. No nerve injury present. No surgical intervention done for the injury. Hence in my opinion, the injury was simple in nature, however caused by firearm as mentioned in the MLR.

4. The medical opinion is taken on record as marked 'X'. Registry to tag the same at appropriate place.

5. Counsel for the petitioner has further contended that the challan already stands presented on 27th of October, 2021 and the charges

were framed on 28th of October, 2022 and after more than 1 year only one witness could be examined by now. He thus contends that the custody of the petitioner cannot be prolonged as a punitive measure.

6. The aforesaid assertions made by counsel for the petitioner based on record are not disputed by the State Counsel.

7. After hearing rival contentions of the parties and after going through records of the case, without commenting on the merits thereof, keeping in view the incarceration already suffered by the petitioner and the fact that the prosecution could examine only one witness in last more than 12 months, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

November 24, 2023		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No