

In The High Court for the States of Punjab and Haryana  
At Chandigarh

CRM-M-19228-2024 (O&M)  
Date of Decision:- 02.05.2024

Sumit ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Munish Sharma, DAG, Haryana,  
assisted by Inspector Chheterpal.

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| FIR NO. | DATE       | POLICE STATION          | OFFENCES                                     |
|---------|------------|-------------------------|----------------------------------------------|
| 208     | 21.05.2022 | Hathin, District Palwal | 307, 34 IPC and Section 25 of Arms Act, 1959 |

GURVINDER SINGH GILL, J. (Oral)

- The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
- The FIR was lodged at the instance of Jogender wherein it is alleged that on 20.5.2022 at about 9.10 pm, Amit and Sumit came to his house and took along complainant’s son with them. After about 10/15 minutes, the complainant heard sound of a gun-shot being fired. The complainant along with his brother Ramphal rushed to the house

of Amit where he saw his son had sustained bullet injuries on his head and was lying in an unconscious state. Rambir, Jagan wife of Rambir and their sons Amit and Sumit were standing near his son. The complainant along with his brother rushed his son to the Sarvodaya Hospital, Faridabad from where he was referred to Trauma Centre, New Delhi for treatment.

3. Learned counsel for the petitioner submits that he has falsely been implicated in the present case and as a matter of fact it is the complainant's son himself who was possessing a country made pistol which accidentally fired and as a matter of fact the complainant's son was friends with Amit and Sumit who are residing in the neighborhood. It has further been submitted that in any case the injured already stands examined and the petitioner has been behind bars since the last 1 year and 11 months.
4. Opposing the petition, learned State counsel submitted that the complainant as well as the victim have been examined and who have both supported the case of prosecution to the effect that it is the petitioner who had fired at the victim. Learned State counsel has informed that the petitioner has been behind bars since the last 1 year and 11 months and that 8 out of the cited 22 PWs have been examined. It has also been informed that the petitioner stands involved in one more case for offence under Section 147, 149, 323, 506, 325 IPC.
5. This Court has considered the rival submissions.

6. The petitioner indeed is specifically named in the FIR. Although, there is no witness to the alleged incident, but the incident had taken place in the house of the petitioner and the complainant has categorically stated that the victim went along with the petitioner and his brother on the day of occurrence in the evening just about 15 minutes prior to the occurrence. This Court finds that the complainant and victim have already been examined. As such, it cannot be said that the petitioner would be able to influence them in case released on bail. The petitioner otherwise has been behind bars for a substantial period of 1 year and 11 months. Conclusion of trial is likely to consume time inasmuch as only 8 out of the cited 22 PWs have been examined till date. Under these circumstances, no useful purpose would be served by keeping the petitioner behind bars. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

**02.05.2024**  
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**( GURVINDER SINGH GILL)**  
**JUDGE**

|                            |          |
|----------------------------|----------|
| Whether speaking /reasoned | Yes / No |
| Whether Reportable         | Yes / No |