

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-36736 of 2015

.....

Date of decision:4.11.2015

Ishwar Singh alias Ashu

...Petitioner

v.

State of Haryana

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Amit Chaudhary, Advocate for the petitioner.

Mr. Anmol Malik, Assistant Advocate General, Haryana for
the respondent-State.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 439 Cr.P.C.
for grant of regular bail in case FIR No.110 dated 7.8.2014 (Annexure-P.1)
registered for the offences under Sections 148, 149, 323 and 307 IPC and
(Sections 212, 302 and 120-B IPC, which were added later on) and Section
25 of the Arms Act at Police Station Barara, District Ambala.

Notice of motion to Advocate General, Haryana.

On the asking of the Court, Mr. Anmol Malik, learned Assistant
Advocate General, Haryana has put in appearance on behalf of the
respondent-State and accepted notice and contested this petition. Police
record is also available.

I have heard learned counsel for the petitioner as well as

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learned Assistant Advocate General, Haryana appearing for the respondent-State and have gone through the record.

From the record, I find that the petitioner is not named in the FIR. He is not stated to be armed with any weapon. No injury is attributed to him. As per the statement recorded under Section 161 Cr.P.C. one of the witnesses, namely, Bhupesh, the present petitioner fired in the air but as per prosecution version the pistol was recovered from another co-accused, namely, Saurav.

The petitioner is in custody since 22.11.2014. The trial is already going on. The petitioner is not required for interrogation or investigation purposes as he is in judicial custody. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody till the final disposal of the case specially in view of the fact that neither any injury is attributed to him nor he is named in the FIR and he was nominated in the present case afterwards.

Therefore, keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bond in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

November 4, 2015.

(Inderjit Singh)
Judge

hsp