

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

CRM-M-21549 of 2016 (O&M)

Date of decision : 17.08.2016

Amit Kumar @ Happy

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Vishal Nehra, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana
assisted by ASI Harpal Singh.

JITENDRA CHAUHAN, J. (Oral)

The present petition filed under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking regular bail in case FIR No.288 dated 24.09.2015, registered under Sections 307 and 216 of the Indian Penal Code (for short 'the IPC') read with Section 34 IPC and Section 25 of the Arms Act, at Police Station Ambala City, District Ambala.

The learned counsel for the petitioner contends that it is a case of no injury. The alleged recovery of country made pistol has been planted upon the petitioner. The petitioner has allegedly fired shot towards the complainant, however, no injury was received by him. The petitioner is in custody since 25.10.2015.

On the other hand, the learned State counsel submits that petitioner is involved in other four FIRs. He further submits that challan has

been filed and out of twenty-four prosecution witnesses, fifteen have been examined.

Heard.

Considering the facts that it is a case of no injury; the aforesaid four FIRs have been registered after the petitioner was sent in the judicial custody in the present FIR; the petitioner is in custody since 25.10.2015; challan stands filed; and out of twenty-four prosecution witnesses, fifteen have been examined so far, no useful purpose would be achieved in keeping the petitioner behind the bars.

In view of above, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds/surety bonds, to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

17.08.2016

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No