

CrI. Misc. No. M-10982 of 2018

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CrI. Misc. No. M-10982 of 2018

DATE OF DECISION:13.11.2018

Sandeep

.....Petitioner

Versus

State of Haryana

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. KP Singh, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to petitioner-Sandeep in case FIR No. 87 dated 25.6.2017 registered under Sections 307,332,353,114 read with Section 34 IPC and Sections 25/27 of Arms Act at Police Station Panjokhra, District Ambala.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the case, whereas, no offence under Sections 307,332,353,114 read with Section 34 IPC and Sections 25/27 of Arms Act is made out against the petitioner. The alleged recovery of the country made pistol from the petitioner is planted one, whereas, nothing was recovered from him. Learned counsel for the petitioner further contends

that offence under Section 332 IPC is not made out as no public servant was injured in the incident, whereas, the petitioner himself received grievous firearm injury on his right shoulder. Learned counsel also contends that challan has already been presented and trial may take sufficient long time to conclude. The petitioner is in custody since 29.9.2017 and no purpose would be served by keeping him behind the bars. It is also the argument of learned counsel that bail petition filed by the petitioner before the lower Court was dismissed only on the ground that 50 criminal cases are there against the petitioner, whereas, he is on bail in all the cases.

Learned counsel for respondent-State has not disputed the custody period as well as the fact that the petitioner is on bail in all the pending cases.

Without commenting anything on the merits of the case and keeping in view the submissions made by learned counsel for the petitioner that it is a case of no injury; the petitioner is in custody for the last about one year and two months; in all the pending cases, he is on bail; complainant is a police official and there is no possibility that the petitioner may influence him or tamper with evidence; trial may take long time to conclude and no purpose would be served by keeping him behind the bars, the present petition is allowed. Petitioner-Sandeep is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

November 13, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No