

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

(207)

CRM-M-15390-2018

Date of Decision: June 05, 2018

Dinesh

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Prateek Rathee, Advocate, for the petitioner.

Mr. Surender Singh Pannu, DAG, Haryana.

LISA GILL, J.(ORAL)

The petitioner seeks the concession of bail pending trial in FIR No. 30 dated 10.01.2018, under Sections 323, 324, 341, 307, 34 IPC and Section 25 of the Arms Act, registered at Police Station Jhajjar.

It is submitted that there is an un-explained delay in lodging of the FIR as the incident took place on 09.01.2018 and FIR was lodged on 10.01.2018. Moreover, there is no recovery of any empty cartridge from the spot. No firearm injury was received by any person which negates the prosecution version. No sword allegedly used by the accused was recovered. Co-accused of the petitioner has already been afforded bail pending trial by the learned trial Court. The petitioner undertakes to face the proceedings and not abuse the concession of bail. It is thus prayed that this petition be allowed.

Learned counsel for the State, on instructions from SI Surender Singh, verifies that the petitioner is not involved in any other criminal case. No recovery of any sword and empty cartridges has been effected from the spot. A countrymade pistol has been recovered from the co-accused who has been afforded the concession of bail. Final report under Section 173 Cr.P.C., has

since been presented against the petitioner. Charge against the petitioner stands framed.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

Trial in this case is not likely to conclude in near future. The petitioner has been in custody since 24.01.2018. No useful purpose shall be served by keeping him incarcerated any longer.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition filed by petitioner-Dinesh is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court/Duty Magistrate.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

June 05, 2018.
harsha

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No