

CRM-M-35494-2018

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

CRM-M-35494-2018

Date of Decision: 23.08.2018

Rajesh @ Tundal

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Abhinav Sood, Advocate,
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

INDERJIT SINGH, J. (Oral)

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.484 dated 20.12.2017, registered at Police Station Chandhat, District Palwal, under Sections 186, 353, 427 and 307 read with Section 34 IPC and Section 25 of the Arms Act, 1959.

Notice of motion has been issued. Learned State counsel has appeared and contested the instant petition.

I have heard learned counsel for the petitioner as well as learned State counsel and gone through the record.

As per the allegations of prosecution, the present petitioner alongwith co-accused was signalled to stop, but they fled away in a car. However, when they were chased, they fired shot on the police party.

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Although the fire-shot did not hit anybody, yet it hit to the police vehicle.

Learned counsel for the petitioner submits that the present petitioner did not fire any shot on the police party and countrymade pistol has been recovered from co-accused. Only two live cartridges are shown to have been recovered from the possession of petitioner. He further submits that it is a case of no injury.

From the record, I find that firstly, it is a case of no injury and secondly the present petitioner has been in custody since 20.12.2017. The present petitioner is not the main accused, who fired shot on the police party. He is now not required for any investigation or interrogation purposes as he is in judicial custody. The trial of case will take a long time. Therefore, no useful purpose will be served by keeping him in custody till the final disposal of the case.

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 bonds in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

23.08.2018

parveen kumar

Whether speaking/reasoned

Whether reportable

:

:

(INDERJIT SINGH)

JUDGE

Yes

No