

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.12352 of 2019
Date of Decision:.25.03.2019

Deepak Petitioner

Versus

State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Satbir Rathore, Advocate for the petitioner.
Mr. Manoj Kumar Sangwan, DAG, Haryana.

MAHABIR SINGH SINDHU, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (for short 'Cr.P.C') for grant of bail pending trial to the petitioner in case FIR No.219 dated 18.06.2018, under Sections 307, 120-B/34 of the Indian Penal Code and Section 25 of Arms Act, 1959, registered at Police Station Naraingarh, District Ambala.

As per allegation in the FIR, the petitioner fired a shot at the complainant from his country made pistol, which missed and passed underneath his left arm.

It is contended that petitioner is in custody since 17.07.2018 and case is fixed for prosecution evidence on 02.04.2019, but out of 25 prosecution witnesses, none has been examined till date. Also contends that although there are allegations of using the pistol in this case, but no such

recovery of alleged weapon was effected from the petitioner by the

Investigating Officer.

The above factual position is duly acknowledged by learned State Counsel, on instructions from SI Gurmukh Singh.

Since neither any weapon has been recovered from the petitioner during investigation, nor any prosecution witness has been examined; no other criminal case is pending against him and trial will take long time to conclude thus, further incarceration of the petitioner would not serve any purpose.

In view of the above, this Court finds that it would be just and appropriate if the concession of bail is granted to the petitioner. Therefore, this petition is allowed and petitioner-Deepak is ordered to be released on bail, in this case, on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court.

The above observations may not be construed as an expression of opinion on merits of case.

25.03.2019

mamta

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>