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

CRM-M-48050 of 2018 (O&M)

Date of decision: September 16, 2019

Ajit

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Deepender Singh, Advocate for the petitioner.

Mr. Arun Beniwal, DAG Haryana.

Mr. Rakesh Sharma, Advocate for

Mr. Vikram Dhakla, Advocate for the complainant.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail pending trial to the petitioner, in FIR No.105 dated 25.03.2018, under Sections 148, 149, 323, 307, 506 of Indian Penal Code, 1860 (for short 'IPC') and Section 25 of the Arms Act, 1959, registered at Police Station Chand Hut, District Palwal (Haryana).

As per prosecution case, petitioner along with others caused injuries to the complainant party and a country made pistol has been recovered from his possession.

Contentends that the petitioner is in custody since 25.04.2018 and injury attributed to him is simple in nature. Also contends that after investigation, challan has already been presented on 28.11.2018 and even charges were also framed on 08.08.2019. Further contends that, till date, no

prosecution evidence has been recorded. It is also contended that there is no other criminal case pending against the petitioner.

The above factual position is duly acknowledged by learned State counsel, on instructions from Assistant Sub Inspector Mahender Singh.

Heard both sides and perused the paper-book.

Since the petitioner is in custody since 25.04.2018, charges were already framed on 08.08.2019, but prosecution evidence has not started yet and concededly, there is no other criminal case pending against him; thus, the trial will take sufficient long time. Therefore, further incarceration of the petitioner would not serve any purpose.

In view of the above, this petition is allowed. Petitioner 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/Duty Magistrate concerned.

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

The petitioner shall fully co-operate with learned trial Court without seeking any unnecessary adjournments.

(MAHABIR SINGH SINDHU)
JUDGE

September 16, 2019

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No