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

CRM-M-28928 of 2019

Date of decision: July 15, 2019

Nitin Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Umesh Aggarwal, Advocate for the petitioner.

Mr. V.G. Jauhar, Senior DAG Punjab.

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 to the petitioner, in FIR No.28 dated 15.02.2019, under Sections 307, 506, 34 of Indian Penal Code, 1860 (for short 'IPC') and Sections 25, 27 of Arms Act, 1959, registered at Police Station 'C' Division, Amritsar.

Custody certificate dated 15.07.2019 filed by learned State counsel, today in Court, is taken on record.

As per prosecution case, petitioner opened fire from pistol to kill the complainant, but the gun-shot hit on the left side of his chest.

Contentends that petitioner is in custody since 18.03.2019 and as per allegation in the FIR, occurrence had taken place on 22.01.2019, but the FIR was registered on the basis of complaint made by injured, on 15.02.2019; thus, there is an unexplained delay of 24 days while lodging the FIR. Also contends that investigation has been completed and charges are yet to be framed.

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

Heard both sides and perused the paper-book.

Concededly there is a delay of 24 days in lodging the FIR and there is no explanation coming forward by the prosecution.

Since the investigation is already over, charges are yet to be framed and the trial will take long time, thus, there is no justification for further incarceration of the petitioner; as such, this Court deems it appropriate to release him on bail pending trial.

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

July 15, 2019
mahavir

Whether speaking/ reasoned: **Yes**

Whether Reportable: **No**