

230 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30935-2019

Date of Decision : August 27, 2019

Karan (@) Shooter

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Ram Bilas Gupta, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure in FIR No.13 dated 7.1.2019 for offence punishable under Sections 323, 325, 326, 341, 506, 34 IPC, registered at Police Station S.G.M. Nagar, District Faridabad.

Counsel for the petitioner submits that as per the allegations in the FIR registered at the instance of one Shahid that when he was returning back home, three boys were drinking liquor in an auto-rickshaw and started abusing him. When he was passing by them, they stopped him and start beating. Later on, he came to know the names of the said boys, i.e., Chhotu, Karan and Vijender. Counsel for the petitioner further submits that the petitioner is the first offender and in custody for the last more than 5 months and 11 days and not involved in any other case. He further submits that the challan in the case stands

presented and the case is triable by the Court of Magistrate as Section 307 IPC stands deleted and only one prosecution witness has been examined so far.

Custody certificate produced by the learned State counsel is taken on record.

Learned State counsel on instructions from ASI Pritam Singh has not disputed the factual position and submits that Section 307 IPC stands deleted and the case is now fixed for the prosecution evidence.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last more than 05 months and 11 days; the challan stands presented; only one prosecution witness has been examined so far and the petitioner is not involved in any other case, this petition is allowed and the petitioner is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

August 27, 2019
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