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

CRM-M-38496 of 2019

Date of decision: September 18, 2019

Manoj @ Moja

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rajesh Nain, Advocate for the petitioner.

Mr. Arun Beniwal, DAG Haryana.

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.75 dated 14.04.2019, under Sections 379-B, 452, 427, 506, 147, 149, 188 of Indian Penal Code, 1860 (for short 'IPC') and Section 25 of the Arms Act, 1959 (for short 'Arms Act') (Section 25 of Arms Act deleted and Section 27 of Arms Act added later on), registered at Police Station Narwana Sadar, District Jind.

Contentends that petitioner is in custody since 27.04.2019 and after investigation in the matter, challan was presented on 24.07.2019 and even, charges have also been framed on 31.07.2019. Also contentends that there are total 16 prosecution witnesses, but till date, none has been examined. Further contentends that co-accused, namely Amit @ Meeta has been granted concession of bail pending trial by this Court and even Section 25 of Arms Act has been deleted as the weapon was a licenced one, but the same was never misused.

The above factual position is duly acknowledged by learned State counsel, on instructions from police official present in Court to assist him. Also states that instead of Section 25 of Arms Act, Section 27-A has been added. Also pointed out that there is no gun-shot injury in this case and the injuries caused with blunt weapon were declared as simple in nature.

Heard both sides and perused the paper-book.

Since the investigation has already been over, even charges have also been framed and out of total 16 prosecution witnesses, none has been examined, till date; thus, the trial will take sufficient long time. Even otherwise, all the injuries, in this case, are declared to be simple in nature. Keeping in view the above factual position and the fact that co-accused has also been granted concession of bail pending trial by this Court, 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 18, 2019

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No