

225

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

CRM-M-42227 of 2019

Date of decision: December 13, 2019

Joni

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sukesh K. Jindal, Advocate for the petitioner.

Mr. Arun Beniwal, DAG Haryana.

MAHABIR SINGH SINDHU, J

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.295 dated 21.03.2019, under Section 25 of Arms Act, 1959 and Sections 120-B, 307 read with Section 34 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Chandni Bagh, Panipat.

As per prosecution case, petitioner along with co-accused fired a shot on the head of Kaku @ Himanshu in the presence of the complainant.

Contentends that the petitioner is in custody since 16.05.2019 and injured-Kaku @ Himanshu, while appearing as PW2, did not support the prosecution case, rather specifically stated that the petitioner was not involved, in the present case. Also contends that the

trial is going on smoothly and there is no other criminal case pending against the petitioner.

The above factual position is duly acknowledged by the learned State counsel, on instructions from SI Brij Pal.

Heard both sides and perused the paper-book.

Since injured himself has not deposed against the petitioner while appearing as prosecution witnesses and there is no other criminal case pending against him, therefore, there is no justification to prolong his incarceration.

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

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

(MAHABIR SINGH SINDHU)
JUDGE

December 13, 2019

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No