

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

207

CRM-M No.450 of 2020 (O&M)
Date of Decision: September 9th, 2020

Ajay

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Hitesh Verma, Advocate
for the petitioner.

Ms. Tanisha Peshawaria, Deputy Advocate General, Haryana.

(PROCEEDINGS THROUGH V.C.)

AUGUSTINE GEORGE MASI, J. (ORAL)

Petitioner has approached this Court for grant of regular bail in FIR No.315 dated 09.11.2017 registered under Sections 307, 34, 120-B IPC and Section 25 of the Arms Act, 1959 at Police Station Adampur, District Hisar.

It is the contention of learned counsel for the petitioner that the petitioner was arrested on 14.10.2018 and is in custody for almost two years. He asserts that out of 26 prosecution witnesses, 9 witnesses have been examined and the trial has been held up because of an application having been moved by prosecution under Section 319 Cr.P.C. Assertion has also been made that the main accused in this case namely Prahlad, who had fired at the complainant and the said shot had hit the right side temple of the complainant, has been granted bail by this Court vide order dated 27.02.2019 (Annexure P-2) in *CRM-M No.2201 of 2019* titled as *Pehlad @ Prahlad Versus State of Haryana*. Counsel contends that there were total four cases registered against the petitioner, out of them in three cases, petitioner stands acquitted. He, thus, contends that as of now there is no other case against the petitioner. The trial is not likely to conclude in near future and, therefore, the petitioner be granted the concession of bail.

Learned counsel for the State submits that the petitioner has also fired with a 9 mm pistol at the complainant, which fortunately did not hit the complainant, however the said weapon stands recovered from the petitioner. Her further contention is that the petitioner had taken an active part in the commission of the offence and, therefore, should not be granted the concession of bail, however the factual position, as has been pointed out by the counsel for the petitioner with regard to co-accused-Prahlad having been granted bail, could not be disputed, as also the stage of the trial.

I have considered the submissions made by the counsel for the parties and keeping in view the facts that the pistol shot, which is alleged to have been fired by the petitioner, had not hit the complainant and further the co-accused of the petitioner namely Prahlad, who also is similarly placed, rather his role is more apparent because of the gunshot injury caused, which is attributed to Prahlad, who has been granted the concession of bail, the present petition deserves to be accepted keeping in view the stage of trial, as well as the length of the petitioner being in custody. The trial is not likely to conclude in near future, with an application under Section 319 Cr.P.C. preferred by the prosecution pending, especially in the prevailing circumstances, the present petition is allowed.

Petitioner is directed to be released on bail to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Hisar.

Any observations made hereinabove are for the purpose of disposal of the present petition alone and shall have no bearing on the merit of the case during the trial in any manner.

September 9th, 2020
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No