

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

201

**CRM-M-11655-2020 (O&M)
Date of Order:07.12.2020**

Subash @ Boni

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Simranjeet Singh, Advocate,
for the petitioner.

Mr. Rohit Arya, DAG, Haryana

ANIL KSHETARPAL, J(Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner-Subash @ Boni son of Dalbir, prays for grant of bail pending trial in a criminal case arising from FIR No.0235, dated 12.05.2019, registered under Section 147/148/149/307/323/341/427/506/120-B IPC and Section 25 of the Arms Act, 1959, at Police Station City Fatehabad, District Fatehabad.

The first petition filed by the petitioner for grant of bail was dismissed as withdrawn on 15.10.2019. Whereas the second petition was dismissed on 03.12.2019, as it was found that the petitioner had concealed the fact of filing of the first petition from the court. The petition no.3 was also dismissed as withdrawn.

This court while hearing bail application of a co-accused Balraj

@ Goli i.e. CRM-M-37685-2019, on 25.09.2019, has passed the following order:-

“Petitioner prays for grant of regular bail in FIR No.235, dated 12.5.2019, registered under Sections 147, 148, 149, 323, 307, 341, 427, 506 and 120-B IPC and under Section 25 of the Arms Act, 1959, at Police Station City Fatehabad, District Fatehabad.

Status report by way of affidavit of Sh.Dharambir Singh, Deputy Superintendent of Police, HQ, Fatehabad, filed in the Court today, is taken on record.

As per the case of the prosecution 15-20 persons came from the street carrying bricks and wooden battens in their hands and surrounded the car of the first informant. Pankaj @ Ganja son of Rajender, fired at the first informant with pistol whereas Rohit son of Sunil @ Kaka and Sunil @ Kaka son of Bishanram, Vishal son of Shammi Gill, Pony son of Subhash, Balraj @ Goli (present petitioner), Sanjau and Machi Valmiki, started hitting Fortuner and Alto car.

Heard learned counsel for the parties.

It is apparent that petitioner is not alleged to have caused any injury to the occupants of the car. Petitioner is in custody since 10.7.2018.

Without commenting on the merits of the case and keeping in view the fact that the investigations are complete and final report under Section 173 Cr.P.C. has been submitted, the petitioner is directed to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Accordingly, the present petition is allowed with the aforesaid directions.”

It is not in dispute that the petitioner is in custody since 13.05.2019. The prosecution intends to examine 16 witnesses, however, as of now, not even single witness has been examined.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is in custody since 13.05.2019 and conclusion of the trial is likely to take time, the petitioner is directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

Accordingly, the present petition is allowed with the aforesaid directions.

December 07, 2020
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No