

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
202 (PROCEEDINGS THROUGH V.C.)**

CRM-M-13087-2020

Date of decision: 09.06.2020

SUNNY

...PETITIONER

V/S

STATE OF HARYANA

..RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Ashit Malik, Advocate,
for the petitioner.

Mr. Apoorv Garg, DAG, Haryana,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this application is for grant of regular bail in FIR No. 48 dated 23.04.2019 registered under Sections 307/34 IPC 1860 and Section 25 of the Arms Act, 1959 at P.S. Mohana, District Sonapat.

It is the contention of the counsel for the petitioner that the petitioner is alleged to have exhorted Sunil to fire at the complainant-Jitender who fired at the complainant which hit him on his right thigh. Counsel contends that no overt act has been attributed to the petitioner, who is in custody since 07.09.2019. Out of 16 witnesses cited by the prosecution, only one witness has been examined till date and the trial is not likely to conclude in near future. He, therefore, prays that the petitioner be granted the benefit of bail.

On the other hand, counsel for the State submits that it is on the asking of the petitioner that Sunil had fired at the complainant. He, therefore, cannot run away from the said offence. He, however, could not dispute the fact with regard to the custody period of the petitioner as also that only one witness has been examined out of 16 cited witnesses. He informs the Court that the co-accused Sunil has yet not been arrested and non-bailable warrants to arrest him have been issued.

I have considered the submissions made by the counsel for the parties and keeping in view the allegations against the petitioner and he being in custody since 07.09.2019 with only one witness examined out of 16 cited witnesses and the next date of hearing before the trial Court being 13.08.2020 and the trial is not likely to conclude in near future in the prevailing situation of pandemic, the present application is allowed. Petitioner is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Sonapat.

Any observation made herein above shall have no bearing on the merits of the case during trial in any manner.

June 09, 2020*pj***(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No