

CRM-M-15332-2020

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

(PROCEEDINGS THROUGH V.C.)

CRM-M-15332-2020

Date of Decision: 01st July, 2020

Alishan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present Mr. Munish Mittal, Advocate for the petitioner.

Mr. Apoorv Garg, DAG, Haryana.

AUGUSTINE GEORGE MASI, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.18, dated 14.02.2019, registered at Police Station Buria, District Yamuna Nagar, under Sections 307 and 285 of the Indian Penal Code along with Section 25 of the Arms Act, where the petitioner is in custody since 05.04.2019. As per the counsel for the State, challan was presented on 06.06.2019 and the trial of the case is now fixed for 02.07.2020.

Counsel for the petitioner contends that the petitioner is neither named in the FIR nor has he been identified by anyone. He contends that the petitioner has been roped in the present case on the basis of the alleged disclosure statement given by him while he was in custody in another case. He contends that the petitioner having completed more than one year and three months, he be granted the concession of regular bail as the trial is not

proceeding and it is only fixed for appearance of the accused.

On the other hand, learned counsel for the State submits that the petitioner is involved in five other cases. He contends that the petitioner is a habitual offender and is involved in criminal activities and therefore, does not deserve the concession of regular bail.

I have considered the submissions made by the learned counsel for the parties and am of the considered view that the petitioner deserves the concession of regular bail.

Petitioner, admittedly, in this case is in custody since 05.04.2019. The trial has not proceeded further and it is only fixed for appearance of the accused because of the prevailing pandemic situation. It has also been informed that out of total seven accused, only three have been arrested including the petitioner and four other accused are yet to be arrested. Section 307 of the Indian Penal Code has been added because of the allegation that the complainant, who was travelling in a car along with others were fired upon but no injury has been caused to any of the persons.

In view of the above, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Yamuna Nagar.

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

01st July, 2020

Harish

**(AUGUSTINE GEORGE MASIH)
JUDGE**

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No