

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

208

CRM-M No.24280 of 2020

Date of Decision: August 28th, 2020

Naveen

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Ram Pal Verma, Advocate
for the petitioner.

Ms. Tanisha Peshawaria, Deputy Advocate General, Haryana.

(PROCEEDINGS THROUGH V.C.)

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.212 dated 07.07.2019 registered under Sections 307, 201, 120-B, 34 IPC and Section 25 of Arms Act at Police Station Asauda, District Jhajjar.

It is the contention of learned counsel for the petitioner that the petitioner is not named in the FIR nor has it come on record that the petitioner had earlier rivalry with the complainant or his family. What has been said is that there was rivalry between the complainant family and Rohit and Mohit, who according to complainant family, had committed the conspiracy. Both the two co-accused namely Rohit and Mohit have been granted regular bail by the trial Court, whereas the petitioner has been denied the said concession because of the fact that there are other cases also registered against him. Assertion has also been made that no recovery has been effected from the petitioner nor is it specified as to who had fired the gunshot, with none of the persons having been injured in the said alleged attack. Counsel contends that the petitioner has been falsely implicated in

the present case and is in custody since 20.08.2019, with the trial not likely to conclude in near future, the present petition may be allowed and the petitioner may be granted the concession of bail.

On the other hand, learned counsel for the State, on instructions from SI Joginder Singh, has submitted that apart from the present case, there are three other cases against the petitioner. Out of these three cases, one is under Section 302 IPC. He is a habitual offender and, therefore, being a person with criminal bent of mind, he be not granted the concession of bail.

I have considered the submissions made by the counsel for the parties and keeping in view the fact that the petitioner is not named in the FIR, no recovery has been effected from him nor has anything come on record, which would indicate that the petitioner was the person, who had fired the bullet, with a no injury case, more than one year has passed by as the petitioner is in custody and the trial not likely to conclude in near future, the present petition is allowed.

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

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.

August 28th, 2020
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No