

CRM-M-28107-2020

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

CRM-M-28107-2020

Date of Decision: October 15th, 2020

Sunil

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Kuldeep Sheoran, Advocate,
for the petitioner.

Ms. Shubhra Singh, Addl.A.G., Haryana.

Mr. Deepak Vashistha, Advocate
for the complainant.

AUGUSTINE GEORGE MASIH, 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.123, dated 23.04.2019, registered at Police Station Narnaud, District Hansi, under Sections 307, 109, 341, 506 and 34 of the Indian Penal Code along with Section 25 of the Arms Act.

It is the contention of the learned counsel for the petitioner that the injury which has been attributed to the petitioner is with a gun. The gun shot, which was fired by the petitioner, had hit the right arm of the complainant. He asserts that the petitioner was arrested on 01.05.2019 and is in custody since then. He further contends that out of total 16 prosecution witnesses, only three have been examined till date and therefore, trial is not

CRM-M-28107-2020

likely to conclude in near future. Prayer has, thus, been made for grant of regular bail to the petitioner.

On the other hand, learned counsel for the State has informed the Court that out of 10 criminal cases registered against the petitioner, in seven of them he has been acquitted, in two cases the trial is still going on and in one case, he stands convicted. She states that the petitioner is a habitual offender and therefore, does not deserve the concession of regular bail. However, the factual aspect with regard to the stage of the trial could not be disputed by her as well as by the counsel for the complainant.

Learned counsel for the complainant has pointed out that although the initial shot which was fired by the petitioner had hit the right arm of the complainant and after piercing the same, it has even entered in his chest and because of this fact, Section 307 of IPC stands added. He also asserts that the petitioner being a habitual offender be not granted the concession of regular bail.

I have considered the submissions made by the learned counsel for the parties and keeping in view the facts that out of ten criminal cases registered against the petitioner, in seven cases he has been acquitted with two trials under progress and in one, he stands convicted; petitioner is in custody for more than one year and five months by now; only three witnesses have been examined till date out of the total 16 prosecution witnesses and therefore, trial is not likely to conclude in near future and in the prevailing circumstances, the trial may take some more time because the Courts below are working in restricted mode, this criminal miscellaneous

CRM-M-28107-2020

petition is allowed. 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, Hisar.

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

October 15th, 2020
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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