

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

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CRM-M No.38188 of 2020

Date of Decision: December 02, 2020

Rajesh Nagpal

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR JUSTICE SUDIP AHLUWALIA

Present: Mr. Bipan Ghai, Sr. Advocate with
Mr. Himanshu Chhabra, Advocate and
Ms. Harneet Pannu, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

SUDIP AHLUWALIA, J. (Oral)

Case has been taken up through video conferencing in view of the outbreak of Pandemic COVID-19.

2. The present petition has been filed under Section 439 Cr.P.C. for grant of Regular Bail to the petitioner in Case FIR No.257 dated 24.06.2020, registered under Sections 307, 34 IPC and Section 27 of the Arms Act, 1959 at Police Station City Kaithal, District Kaithal.

3. The petitioner was arrested in this case and has remained in detention for more than five months since 24.06.2020.

4. After completion of investigation, challan was filed against him.

Ld. Counsel for the petitioner has drawn attention of the Court to the fact that

MLR of the victim does not disclose any fire-arm injury as alleged in the FIR.

5. On the contrary, Ld. State Counsel submits that on seeing the apparels of the victim, it indicates that a bullet fired from the licensed pistol of the petitioner had brush passed the same, thereby suggesting that it had just brushed based the victim's body without actual causing any injury.

6. In this view of the matter, admittedly, no actual fire-arm injury was suffered by the victim, and custodial interrogation of the petitioner is no long required after completion of investigation against him, his further detention for indefinite period at this stage is not called for. This is so that the trial in the present case take its own substantial time on account of Covid-19 Pandemic, and even the charges are yet to be framed.

7. Considering all the above circumstances and without commenting any further on the merits of the present case as a whole, and in view of the detention undergone by the petitioner, as also the fact that the trial is likely to take its own considerable time due to ongoing Covid-19 Pandemic, the prayer of the petitioner for regular bail is allowed and he is ordered to be released on bail, subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

8. Disposed off.

(SUDIP AHLUWALIA)
JUDGE

December 02, 2020

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