

CRM-40899-2021 in/and
CRM-M-1723-2021

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

(103+208)

CRM-40899-2021 in/and
CRM-M-1723-2021.
Date of Decision:-01.12.2021.

Krishan Gujjar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ajay Arora, Advocate for the applicant/petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

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Application is allowed as prayed for, subject to all just exceptions.

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This is the first petition under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No.456 dated 31.07.2020 under Sections 436/452/506 of IPC, registered at Police Station City Sirsa.

Learned counsel for the petitioner has submitted that in the present case, no injury has been caused to any person and has further submitted that although, as per allegations in the FIR, a petrol bomb was

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thrown by the petitioner but a perusal of the Forensic Science Laboratory report, Haryana, Madhuban shows that petrol, kerosene, diesel or their residues could not be detected in Ex.P1. It is further submitted that the petitioner has been in custody since 31.07.2020 and the star witnesses have already been examined and, thus, no useful purpose would be served in keeping the petitioner in custody. It is also submitted that the petitioner is not involved in any other case.

Learned State counsel, on the other hand, has opposed the application for regular bail and has submitted that the CCTV footage which is available would show that the present petitioner had first entered the house of the complainant and had, thereafter, been ousted from there but came back again after half an hour and had thrown one bottle with match stick in his hand and had thrown it inside the house of the complainant, on account of which there was some fire in the house of the complainant and it is only a matter of good luck, that no injury was caused to any person in the house of the complainant. However, the factum with respect to the period of custody as well as the fact that the petitioner is not involved in any other case has not been disputed.

Keeping in view the above-said facts and circumstances moreso, that no injury has been caused in the present case and the petitioner has been in custody since 31.07.2020 and the star witnesses have already been examined and the petitioner is not involved in any other case and also that no petrol, kerosene or diesel or their residues could be detected in Ex.P-1 as per the forensic science laboratory report, the present petition for grant of regular bail deserves to be allowed.

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Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to him not being required in any other case.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

December 01, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No