

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-13790-2021(O&M)

Date of Decision: 01.11.2021

Sunil @ Kalu

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Saurabh Sharma, Advocate, for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.96 dated 08.07.2020, under Sections 307/506/34 of IPC and Sections 25 & 54 of Arms Act, 1959, registered at Police Station Titram, District Kaithal.

The learned counsel for the petitioner has submitted that the present FIR has been planted upon the petitioner and even otherwise also it is a case of no injury and the allegation against the petitioner and the other co-accused was that a shot was fired from a firearm. He submitted that although there is one other case against the petitioner and that was also

planted by the police against the petitioner. He submitted that the petitioner is in custody 13.07.2020 and the investigation of the case is already complete and challan under Section 173 Cr.P.C has already been submitted on 10.09.2020 and the complainant has already been examined. He submitted that no injury has been caused to anybody and trial of the case would take long time and, therefore, he may be considered for the grant of regular bail.

On the other hand, Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana has stated that it is correct that the petitioner is in custody from 13.07.2020 and the investigation of the case is already complete and further no recovery is to be effected from the petitioner. He submitted that after the framing of the charges, the complainant has been examined. He has also not disputed that it was a case of no injury.

I have heard the learned counsel for the parties.

The custody of the petitioner is more than one year starting from 13.07.2020. The investigation of the case is already complete and even the complainant has been examined. Furthermore it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper with evidence or may flee from justice.

Therefore, without commenting on the merits of the case and considering the totality of circumstances, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as

an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

01.11.2021
rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No