

CRM-M-21514-2021

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

CRM-M-21514-2021

Date of decision:10.08.2021

Rahul

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Vishal Garg Narwana, Advocate,
for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. A. G. Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.273 dated 22.06.2019, registered at Police Station Gannaur, District Sonipat, under Sections 302, 323 and 34 IPC, Section 25 of the Arms Act, 1959 and Sections 216, 307 and 120-B IPC (added subsequently) (however charge Section 25 of the Arms Act, 1959, has not been framed).

Learned counsel for the petitioner contends that the petitioner was not named in the FIR, and that admittedly, Sanjay, uncle of the complainant had died due to the gun-shot injuries; but as per the prosecution version, the petitioner did not fire any gun-shot. The petitioner has falsely been implicated in the present case by planting upon him the recovery of an iron pipe. Challan stands presented. The petitioner has been in custody since 22.06.2019. Moreover, co-accused, Roshni, Sachin and Annu stand released on regular bail by this Court.

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On the other hand, learned State counsel, while opposing the prayer made by the learned counsel for the petitioner, submits that the petitioner had actively participated in the occurrence. However, he does not dispute the custody period of the petitioner.

I have heard the learned counsel for the parties.

The petitioner was not named in the FIR. The only allegation against the petitioner is that he was holding an iron pipe. Out of 23 prosecution witnesses, none has been examined so far. As noticed above, co-accused stand released on regular bail by this Court.

The petitioner has been in custody since 22.06.2019. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

10.08.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No