

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

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CRM-M-24324-2021 (O&M)

Date of decision: 29.11.2021

RAHUL

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Keshav Partap Singh, Advocate
for the petitioner.

Mr. Ashok Singh Chaudhary Addl. AG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

CRM-29676-2021

Application is allowed, as prayed for.

Annexures P-2 and P-3 are taken on record.

Registry is directed to tag the same at an appropriate place.

CRM-M-24324-2021

Through this petition, the petitioner seeks regular bail in case bearing FIR No.160 dated 07.06.2020, registered under Sections 147, 149, 323, 307, 379-B and 302 IPC and Section 27 of the Arms Act, 1959, at Police Station Gadpuri, District Palwal, Haryana.

Learned counsel for the petitioner submits that no specific injury has been attributed to the petitioner; that the gun shot injury, on the person of deceased-Arun, which was a fatal one, was attributed to Sunder-co-accused; that the allegation against the petitioner is that he along with the all the co-accused gave wine bottle blow to Mohan and

that three co-accused, namely, Mousim, Rohit and Parveen, had, during the course of investigation, provided the CCTV footage to show that at the time of occurrence, they were at their homes, which clearly establishes their false implication. He further submits that the petitioner has been in custody since 10.10.2020.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel submits that the petitioner was specifically named in the FIR; that the petitioner along with his co-accused gave a wine bottle blow to Mohan and that on the disclosure statement of the petitioner, one motorcycle was also recovered. He further submits that post presentation of the challan, prosecution evidence is yet to commence. Still further, it is submitted the petitioner is a person with criminal antecedents, inasmuch as, apart from the present FIR, 04 other cases are registered and pending against the petitioner.

While controverting the aforesaid submission made by learned State counsel, learned counsel for the petitioner submits that in FIRs No.501/2013, registered at Police Station Ballabgarh, Faridabad, under Section 160 IPC and FIR No.07/2011, registered at Police Station Sector-7, Faridabad, under Sections 302, 392, 34 IPC and Section 25 of the Arms Act, the petitioner stands acquitted and in FIRs No.372/2019, registered at Police Station Mujessar, Faridabad, under Arms Act and No.680/2018 registered at Police Station Mujessar, Faridabad, under Sections 323, 427, 506, 34 IPC, the petitioner is on bail.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 10.10.2020.

Prosecution evidence is yet to commence. As far as other cases registered and/or pending against the petitioner are concerned, the petitioner stands acquitted in two cases and is on bail in the remaining two. The 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.

29.11.2021*Aman Jain***(HARNARESH SINGH GILL)****JUDGE***Whether reasoned/speaking?**Yes/No**Whether reportable?**Yes/No*