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

CRM-M-27725-2021

Date of Decision: 27.07.2021

Ajay

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. S.S. Mor, Advocate for the petitioner.

Kanwar Sanjiv Kumar, AAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.142 dated 11.05.2021 registered under Sections 307 and 34 IPC, 1860 and Section 25 Arms Act, 1954 at Police Station Badli, District Jhajjar. The petitioner is in custody since his arrest on 11.05.2021.

The FIR was registered on the basis of statement of Manjit and the allegations noticed by the Addl. Sessions Judge, Jhajjar in the order dated 05.07.2021, while declining the bail application of petitioner, read as under:

“In brief, the prosecution case was that on 11.05.2021, at about 12:30 p.m., one Ajay along with three person, who were not known to the complainant, opened gun-fire, at him (i.e. the complainant), with an intention to kill. The companion of Ajay also, fired a gun-shot while, aiming at the complainant though he (i.e. the complainant) had a narrow escape in the incident alleged. Accordingly, FIR was registered, on the basis of the complaint lodged under the aforesaid penal provisions of law.”

Learned counsel for the petitioner has argued that the alleged

occurrence as contained in the FIR, is without any motive and seems to be improbable. He submits that the victim has not suffered any injury and no weapon has been recovered from the petitioner and as the investigation of the case is complete, therefore, the further custody of the petitioner may not be necessary. He prays for bail.

Learned State counsel assisted by ASI Narender has pointed out that in all, there are four accused and only two have been arrested so far and co-accused, namely, Anuj is yet to be arrested and co-accused Ankur is on anticipatory bail. Co-accused Aditya being juvenile has already been released on bail.

After hearing the learned counsel for the parties, this Court finds that after completion of investigation of the case, the challan has been presented on 09.07.2021, but the trial is yet to commence, therefore, it is evident that the conclusion of trial would take considerable time. Thus, the further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 11.05.2021.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate Jhajjar.

The petition is allowed.

27.07.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

