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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.33873 of 2021 (O&M)

Date of Decision : 12.10.2021

Sombir ...Petitioner

Versus

State of HaryanaRespondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Sushil Sheoran, Advocate for the petitioner.
Mr. Gurbir Dhillon, AAG, Haryana.

B.S. Walia, J. (Oral)

CRM No.33052 of 2021

Allowed, as prayed for.

Annexures P-6 & P-7 are taken on record.

CRM-M No.33873 of 2021

[1] Prayer in the petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner during the pendency of the trial in case FIR No.270 dated 21.09.2020, registered under Sections 307/212/120-B/506/34 IPC, 1860 and Section 25 Arms Act, 1959 at Police Station Barauda, District Sonipat.

[2] Learned counsel contends that inadvertently on 05.10.2021, it was mentioned that the injury alleged to have been inflicted by gunshot on the left shoulder of the complainant was attributed to co-accused Sahil, who had been granted bail by the learned Juvenile Court.

implicated in a false case and he was not present at the time of the alleged incident whereas the allegation against the petitioner in the FIR is of his having fired a gun-shot, resulting in the complainant receiving injury on his left shoulder.

[4] Learned counsel contends that investigation is complete, challan stands presented, charges were framed in the case on 08.04.2021, the petitioner is in custody since 03.10.2020, there are 25 prosecution witnesses, out of whom only 04 prosecution witnesses have been examined, with the complainant having been examined as PW-2, while his brother was examined as PW-3 and the falsity of the case is evident from the fact that during their examination, the complainant as well as his brother failed to support the prosecution case, next date before the learned trial Court is 31.10.2021, trial is likely to take considerable period of time, therefore, no useful purpose would be served by keeping the petitioner behind bars. Learned counsel contends that the complainant while appearing as PW-2 did not identify the petitioner and in fact stated that some unknown person had come and fired on him.

[5] Learned State Counsel on instructions from *SI Pawan*, confirms that the complainant made a statement as PW-2 that some unknown person had fired on him and further that he did not identify the petitioner. Learned State Counsel also confirms that the petitioner is in custody since 03.10.2020, investigation is complete, charges have been framed, there are 25 witnesses, out of whom 04 prosecution witnesses including the complainant and his brother have been examined and the

[6] Accordingly, in the light of the position noted above, the instant petition for regular bail is *allowed* and the petitioner is ordered to be released on regular bail during the pendency of the trial, subject to his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court / Chief Judicial Magistrate / Illaqa Magistrate provided he is not required in any other case. The petitioner shall abide by the conditions contained in Section 437(3) Cr.P.C. It is also made clear that in case the petitioner is involved in any other case while he is on bail in the instant case, the prosecution would be at liberty to move an application for cancellation of bail granted to the petitioner in the instant case. However, nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

[7] Petition allowed in the aforementioned terms.

(B.S. Walia)
Judge

12.10.2021
'Rajneesh'

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>