

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33850-2021(O&M)

Date of Decision: 24.08.2021

Sachin

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ankur Lal, 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. 49 dated 21.03.2021 under Sections 307/452/506 of IPC and Sections 25 & 29/54/59 of Arms Act, 1959, registered at Police Station Machhroli, District Jhajjar.

Learned counsel for the petitioner has submitted that the present case was a totally concocted story put up by the prosecution and even otherwise also it is a case where no injury has been caused to anybody and the only allegation against the petitioner was that he had tried to fire from his pistol which otherwise was not operational. He further submitted that be that as it may the investigation of the case is already complete and no recovery is to be effected from the petitioner and after the completion of the investigation challan has been presented before the learned trial Court on 19.05.2021 and the petitioner is in custody since 21.03.2021. He further submitted that the

petitioner has got no bad antecedents and he is not involved in any other case.

On the other hand, learned State counsel has stated that it is correct that after investigation of the case the challan has been presented before the competent Court and matter is now fixed for the framing of charges but during investigation a pistol was recovered from the petitioner. However, no further recovery is to be made from the petitioner. The learned State counsel has not disputed that the petitioner involved in any other case.

I have heard the learned counsel for the parties.

In the present case the petitioner is in custody from 21.03.2021 and as per learned counsels for the parties the investigation of the case is completed and challan has already been presented and there is no other case against the petitioner and furthermore, no recovery is to be effected from the petitioner. The trial of the case may take long time. 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 evidence or may flee from justice.

Therefore, without commenting on the merit of the case and considering the totality of circumstance, 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.

24.08.2021

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)

JUDGE

: Yes/No
: Yes/No