

CRM-M-37324-2021

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

CRM-M-37324-2021.

Date of Decision:-15.09.2021.

Vikas

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Prateek Rathee, Advocate for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is the first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.156 dated 02.06.2021 (Annexure P-1) under Sections 307, 506, 387, 34, 120-B IPC and Sections 25 (1-B) (a) and 27 (1) of the Arms Act, 1959, registered at Police Station Farrukh Nagar, Gurugram-Haryana.

Learned counsel for the petitioner has submitted that the present case is not a case of injury. He has further submitted that petitioner has not been named in the FIR and even as per the report under Section 173 Cr.P.C., it was one Devender alias Mintu, who is the person alleged to have fired in the air. It is argued that the petitioner has been in custody since 07.06.2021, the challan has already been presented in this case and no

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recovery has been made from the petitioner and there are as many as 10 witnesses and even the charges have not been framed as yet and, thus, the trial is likely to take long time. Learned counsel for the petitioner has further submitted that the co-accused of the petitioner i.e. Dinesh has also been granted regular bail by this Court vide order dated 02.09.2021 passed in CRM-M-35345-2021 and the case of the present petition is absolutely similar to the case of said Dinesh.

Learned State counsel, on instructions from ASI Munni Lal, has submitted that the allegations against the petitioner are with respect to conspiracy to carry out the attack. However, the said factual aspects as stated by the learned counsel for the petitioner have not been controverted.

Keeping in view the above said facts and circumstances, moreso, the fact that the present case is a case of no injury and the petitioner has not been named in the FIR and even as per the police report under Section 173 Cr.P.C., the person who had fired in the air was not the petitioner and the petitioner has been inside since 07.06.2021 and no recovery has been effected from the petitioner and there are 10 witnesses out of which, none have been examined and in fact even the charges have not been framed in the present case and the case of the present petitioner is on the same footing as that of Dinesh who has been granted regular vide order dated 02.09.2021 passed by this Court and, thus, the trial is likely to take time, this Court deems it appropriate to allow the present petition and order for release of the petitioner.

Accordingly, the present petition is allowed and the petitioner is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the Trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

September 15, 2021.
sandeep
Whether speaking/reasoned:-
Whether Reportable:-

Yes/No
Yes/No