

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

CRM-M-45466-2021 (O&M)

Date of decision: 18.11.2021

Shah Alam

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Atul Pratap Dhankar, Advocate for the petitioner.

Mr. Surender Singh, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.512 dated 15.10.2020, registered at Police Station Kundli, District Sonipat, under Sections 285, 307, 34, 379-B and 511 IPC (Sections 285 and 307 IPC added subsequently) and Section 25 of the Arms Act, 1959.

Learned counsel for the petitioner contends that no injury has been attributed to the petitioner; that the petitioner has been in custody since 20.12.2020; that complainant-Jamshed and eye-witness/injured-Rajender and Naim while appearing in the witness-box as PW 2, PW 4 and PW 5, respectively, have not supported the prosecution and have been declared hostile.

He further submits that Moreover, co-accused Sharukh son of Abdul Rahim, who was arrested along with the petitioner, has already been granted regular bail, vide order dated 27.09.2021 passed by this Court. Co-accused Sharukh son of Nasim, who is stated to be the main accused is still on run.

On the other hand, learned State counsel opposes the prayer made in the present petition. However, he does not dispute that the complainant and eye-witness/injured have been declared hostile.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 20.12.2020. 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.

(HARNARESH SINGH GILL)
JUDGE

18.11.2021

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No