

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

223

**CRM-M-518-2021
Decided on : 12.01.2021**

Sukhdev

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. V.K. Jindal, Sr. Advocate with
Mr. Akshay Jindal, Advocate
for the petitioner(s).

Mr. Rajiv Goel, DAG, Haryana
assisted by ASI Ram Saran.

MANJARI NEHRU KAUL, J. (Oral)

This is the second petition filed under Section 439 Cr.P.C. by the petitioner for grant of regular bail in case FIR No. 303, dated 19.09.2021, under Sections 307, 323, 452, 506, 34 IPC and Sections 25, 54 of the Arms Act, 1959, registered at Police Station Nissing, District Karnal.

Learned Sr. counsel for the petitioner submits that the petitioner has been in custody since 28th September, 2019 and since out of the 20 prosecution witnesses cited, not even a single prosecution witnesses has been examined, there is no likelihood of the trial concluding anytime in the near future. Hence, the petitioner may be extended the concession of regular bail.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Ram Saran, has submitted that the petitioner was an active participant in the alleged occurrence. The injury attributed to the petitioner

in the alleged occurrence is a firearm shot, which hit on the right thigh of

the son of the complainant. It has been submitted that the delay in the conclusion of the trial has been due to the outbreak of pandemic COVID-19. Learned State counsel has further urged that since the material witnesses have not been examined, the concession of regular bail be not extended to the petitioner, as there is every likelihood that the witnesses may be influenced by him to depose in his favour.

Heard.

Prima facie, there are serious allegations levelled against the petitioner in the FIR in question, for which he does not deserve the concession of regular bail. Moreover, this is the second petition of the petitioner for grant of concession of regular bail, however, no new ground or substantial change of circumstances have been brought forth by the petitioner, which would merit acceptance of the instant petition, after the withdrawal of the earlier petition under Section 439 Cr.P.C. on 14.05.2020.

Petition stands dismissed. However, anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

January 12, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*