

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(209)

CRM-M-2720-2022

Date of decision: - 17.02.2022

Ankit

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Govind Mor, Advocate,
for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 439 of Cr.P.C. for grant of regular bail in FIR No.217 dated 19.06.2021, under Sections 201 and 307 IPC and Section 25 of the Arms Act, 1959 (Section 201 IPC was added later on), registered at Police Station Narwana Sadar, Narwana, District Jind.

Learned counsel for the petitioner has submitted that in the present case, the petitioner has been in custody since 22.06.2021 and there are 15 witnesses and two material witnesses i.e. complainant and injured have already been examined and the recovery has already been effected from the petitioner and the injured has already been discharged.

It is further agreed that even as per the prosecution version, only one

injury has been attributed to the petitioner and in case the petitioner had any intention to kill, then, he would have repeated the attacks. It is further submitted that the petitioner is not involved in any other case.

On the other hand, learned State counsel, on instructions from ASI Anand Kumar, has opposed the present petition for regular bail and has submitted that the petitioner is the sole accused in the present case and is in fact the main accused and it was him who had inflicted the fire arm injury on the right side of the left shoulder of the injured and thus, he does not deserve the concession of regular bail.

This Court has heard the learned counsel for the parties and has perused the paper book.

It is not disputed that the petitioner has been in custody since 22.06.2021 and the material witnesses i.e. complainant and victim have already been examined and there are 13 witnesses, who are yet to be examined and thus, the trial is likely to take long time, moreso, in view of the present pandemic. Further, since the material witnesses have already been examined, the question of influencing them does not even arise. The recovery in the present case has already been effected and the petitioner is also stated to not be involved in any other case and the injured person is also stated to have already been discharged.

In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court / Duty Magistrate / CJM, and subject to him not being required in any other case.

It is however made clear that in case the petitioner influences

or threatens any witness, then it would be open to the State to move an application for cancellation of bail of the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

February 17, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No