

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

CRM-M-3212-2022

Date of decision: 12.05.2022

Vaibhav Chawda @ Bablu

...Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. R.N.Lohan, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this third petition, the petitioner seeks regular bail in case FIR No.125 dated 19.03.2021, registered at Police Station Palam Vihar, Gurugram, District Gurugram, under Sections 307, 34 and 120-B IPC and Section 25(1-B) (a) of the Arms Act, 1959.

Reply dated 10.05.2022, by way of affidavit of the Assistant Commissioner of Police, Crime-II, Gurugram, has been filed in the Court today. The same is taken on record.

Learned counsel for the petitioner contends that the petitioner has been in custody since 04.05.2021; that a fire-arm injury on the elbow of right hand of the complainant, has been attributed to the petitioner, and that the complainant had not identified the petitioner in the identification parade conducted on 01.07.2021. On this premise, the learned counsel prays that the petitioner be released on bail.

On the other hand, learned State counsel, while opposing the submissions made by the learned counsel for the petitioner, submits that the petitioner had actively participated in the commission of offence and

caused a fire-arm injury to the complainant. However, he does not dispute the fact that the complainant had not identified the petitioner in the identification parade.

I have heard the learned counsel for the parties.

The petitioner was not identified by the complainant in the identification parade conducted on 01.07.2021. The injury attributed to the petitioner is on the non-vital part of the body of the complainant. The challan has been presented. The prosecution witnesses are yet to be examined. The petitioner has been in custody since 04.05.2021. 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.

12.05.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No