

CRM-M-4061-2022

Date of Decision:22.04.2022

Sanjay alias Babu

.....Petitioner

Vs.

State of Haryana

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGHPresent: Mr. Kuldeep Singh Siwach, Advocate,
for the petitioner.

Mr. Aman Bahri, Addl.A.G., Haryana.

AMOL RATTAN SINGH, J. (Oral)

By this petition, the petitioner seeks the concession of 'regular bail' under the provisions of Section 439 Cr.P.C., upon FIR No.732, dated 02.10.2020, having been registered at Police Station HTM, Hisar, alleging therein the commission of offences punishable under the provisions of Sections 307/34 of the IPC and Section 25/29 of the Arms act, 1959 (with Section 212 IPC added later).

A reply to the petition has been filed by the learned State counsel , dated 20.04.2022, which is ordered to be taken on record.

A report has also been received from the learned trial court, dated 12.04.2022, stating to the effect that out of 20 prosecution witnesses the complainant, i.e. the mother of the injured, and the injured son (Sagar) have been examined on 11.04.2022, with 4 other witnesses also having been examined.

Though as per the reply filed by the respondent State and as per arguments of the learned Addl.A.G., Haryana, the petitioner does not deserve

to be admitted to bail, in view of the fact that he inflicted a gun shot injury (as per the case of the investigating agency), on the victim and it was only per chance that it did not hit at a vital spot.

The petitioner is stated to have been in custody since 28.01.2021, i.e. for about 1 year and 3 months now.

Though another criminal case bearing FIR no.536 dated 03.11.2019, also stand registered against him as per the affidavit of the DSP filed today, i.e. alleging therein the commission of offences punishable under the provisions of Sections 324/341/506/34 of the IPC, in the context of which he had been admitted to bail.

Consequently, looking at the period of custody of the petitioner and the fact that the material witnesses already stand examined, without making any comment on the actual merits of the case, the petition is allowed with the petitioner ordered to be admitted to bail, upon him furnishing bail and surety bonds to the satisfaction of the trial court.

April 22, 2022

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO