

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

235

CRM-M-5276-2022 (O&M)

Date of Decision: 29.08.2022

MUKESH

...Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Ravi Sharma, Advocate for
Mr. JS Hooda, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

The petitioner has filed this second petition for grant of regular bail in case bearing FIR No.261 dated 27.06.2019, registered under Sections 307, 120-B, 201 read with Section 34 IPC and Section 25 of the Arms Act, 1959, at Police Station Chandhuth, District Palwal.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the petitioner has no concern with the present case and that the petitioner has been in custody since 13.09.2019. He further submits that the present FIR was registered on 27.06.2019 and the petitioner was not named in the same; that the petitioner has been indicted in the present case on the basis of the supplementary statement of the complainant and that all the other co-accused have been granted the concession of regular bail.

On the other hand, learned State counsel while opposing the prayer for grant of regular bail to the petitioner does not dispute the custody period of the petitioner. He, however, submits that the petitioner had actively participated in the alleged occurrence, inasmuch as, he along with the co-accused had fired gunshot on the person of the complainant and that some of the prosecution witnesses are yet to be examined.

I have heard learned counsel for the parties.

Though a specific injury has been attributed to the petitioner, yet the fact remains that the petitioner has been in custody since 13.09.2019. Co-accused have already been enlarged on bail. Some of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without expressing any opinion on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate.

29.08.2022

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>