

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-5267-2022

Date of Decision: 29.7.2022

Tofik

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Munfaid Khan, Advocate, for
Mr. Mazlish Khan, Advocate,
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

KARAMJIT SINGH, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.420 dated 30.9.2021 registered for the offences punishable under Sections 353, 307, 34 IPC and Section 25 of Arms Act at Police Station Sector 50, Gurugram, District Gurugram.

Counsel for the petitioner submits that the petitioner has been falsely implicated in this case and he is in custody since 30.9.2021 and after completion of investigation, the police has presented the challan and now the case is fixed for prosecution evidence. He further submits that no weapon or any other incriminating article was recovered from possession of the petitioner. He further contends that it will take considerable time for trial to conclude and that in all the other criminal cases faced by the petitioner, he has already been granted the concession of bail.

Present petition is opposed by the State counsel who submits

that at the time of occurrence, co-accused of the petitioner who were having fire arms, fired shots at the police party headed by SI Raj Kumar and the petitioner and other three accused were chased by the said police party and apprehended. She submits that one motorcycle was recovered from the possession of the petitioner. However, State counsel has not refuted the fact that there was no recovery of weapon from the petitioner who is in custody for the last about 10 months. She further contends that the petitioner is also involved in another criminal case whose detail is given in the custody certificate.

I have considered the submissions made by the counsel for the parties.

Admittedly, at the time of the alleged occurrence, no one sustained any injury. The petitioner was apprehended at the spot along with his companions but no firearm was recovered from his possession and only recovery effected from him is that of the motorcycle. Admittedly, the petitioner is in custody for the last about 10 months and as has been stated by the counsel for the petitioner, he is on bail in all the criminal cases faced by him. Admittedly, after completion of investigation, challan has been presented but trial is yet to commence and it will take considerable time for disposal of the case. Entire case is based on testimony of the official witnesses. So, there is no apprehension that if released on bail, the petitioner is going to influence the complainant and other material witnesses. In the given circumstances, no purpose is going to be served by keeping the petitioner in custody for any longer period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be

released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

July 29, 2022
Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No