

224 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CRM-M-6565-2022
Decided on: 21st February, 2022

Naveen

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Molly A. Lakhanpal, Advocate for the petitioner.
Ms. Geeta Sharma, Deputy Advocate General, Haryana.

AVNEESH JHINGAN, J (Oral):

1. Due to COVID-19 situation, the Court is convened through video conference.
2. This second petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 26, dated 26th January, 2021, under Sections 307 read with Section 34 IPC, 506 of the Indian Penal Code and Section 25 of the Arms Act, 1959 and Chargesheet dated 11th April, 2021, under Sections 25, 27, 29, 30 of the Arms Act, 1959 and Section 120-B, 307 read with Section 34 IPC, 506 of the Indian Penal Code, registered at Police Station Kalayat, District Kaithal.
3. The FIR was registered at the behest of Complainant-Ankur. As per the allegations, on 26th January, 2021, one car without number plate stopped near the shop of Sonu. Three persons alighted from the car and abused father of the complainant. They were identified as Sonu alias Satbir, Naveen Balmiki(petitioner) and Ashok @ Shoki. Ashok @ Shoki was armed with double barrel gun. The role attributed to the petitioner and Sonu @ Satbir was that they incited Ashok to fire. Ashok fired and bullet at the

right thigh of the Rakesh (father of the complainant). It is further relies that they fled away in the car.

4. Learned counsel for the petitioner submits that petitioner is in custody since 1st March, 2021, no recovery was made from him and no injury attributed to the petitioner. She further contends that earlier petition being regular bail was withdrawn as the State counsel stated that an earnest effort would be made to examine the complainant expeditiously. In spite of passing almost five months, even charges have not been framed. In the meantime, co-accused was granted bail by this Court,

5. Learned State counsel opposes the prayer for grant of regular bail and argues that charges are yet to be framed.

6. Without making any comment upon the merits of the case, having conspectus of the facts, the role attributed to the petitioner and the fact that no recovery is to be made from him, though the investigation is complete, considering the pace at which trial is proceeding, conclusion is likely to take time, petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. The petition is allowed.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

21st February, 2022
Parveen Sharma

1. Whether speaking/ reasoned	:	Yes /No
2. Whether reportable	:	Yes /No