

241

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.9364 of 2022 (O&M)

Date of decision: 10.05.2022

Monu

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Raju Arora, Advocate for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.332 dated 12.06.2021, for offence punishable under Sections 307, 34 of the Indian Penal Code, 1860 (in short 'IPC'), Section 25 of the Arms Act, registered at Police Station Kundali, Sonapat, District Sonapat.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of Sandeep Kumar, it is stated that he is having a grocery shop and on 12.06.2021, 02 boys came on a motorcycle and entered the shop for purchasing some grocery items. 01 boy entered the shop of the victim and the other was standing on the billing counter and suddenly, 01 boy started abusing the complainant and the other one took out a country-made pistol from his pocket and threatened him to kill. Thereafter, he fired a bullet which crossed on the top of his head and he escaped and when the complainant shouted, his cousin brother came in the shop and they

over-powered both of them.

Counsel for the petitioner has further submitted that it is a case where there is no injury and the petitioner is in custody for last 10 months and 27 days; challan stands presented and it will take some time in conclusion of the trial.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail on the ground that the petitioner is involved in one more FIR No.228 of 2020 registered at Police Station Narela, North Delhi and another FIR No.162 dated 23.03.2021 registered at Police Station Sampla, Rohtak.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 10 months and 27 days; challan stands presented; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

10.05.2022

yakub

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No