

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

(220)

**CRM-M-10025 of 2022
Date of decision : 14.03.2022**

Malak Singh

.....Petitioner

VERSUS

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Partap Singh, Advocate, for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

The prayer in the instant petition filed under Section 439 Cr.P.C, is for grant of regular bail in case FIR No.269 dated 25.10.2021 registered under Sections 307, 34 IPC and Section 25 of the Arms Act (later Section 177, 120-B, 195 IPC and Section 27 of the Arms Act were added and Section 307 and 34 IPC were deleted) at Police Station Guhla, District Kaithal, Haryana.

Learned counsel for the petitioner *inter alia* contends that the case in question was registered at the instance of the petitioner as an incident of firing had taken place with a view to eliminate the petitioner. However, upon investigation, the Investigation Agency pointed out that the incident of firing was arranged for by the petitioner himself in order to implicate other persons who are complainant and injured in the case bearing No.267 of 2021 registered against the petitioner under Section 326 IPC. Upon conclusion of investigation, the petitioner has been charge-sheeted for offence under Section 177, 195 IPC read with 120B IPC along with Section 27 of the Arms

and the petitioner is in custody since 26.11.2021. Nothing is to be recovered from the petitioner and his custodial interrogation would not substantiate any interest of justice.

Mr.Kanwar Sanjiv Kumar, AAG, Haryana, submits that the petitioner is a habitual offender and is involved in three other cases under the IPC. He had got the false case registered against the other party in order to harass them and to falsely implicate them in the instant case. He further submits that the recovery of the weapon has been effected from co-accused Narinder Pal Singh. It is however, not disputed by him that the petitioner is already on bail in the other cases that has been registered against him.

Mr. Yashin Sethi, counsel for the complainant has vehemently opposed the petition for grant of bail and submitted that the petitioner has been indulging in illegal activity to pressurize the complainant to not proceed against the petitioner in the case No.267 of 2021 registered under Section 326 IPC. It is however not disputed by the learned counsel that the investigation in the case is complete and charge has so far not been framed. There are 21 witnesses to be examined and culmination of the trial shall take long time.

I have considered the rival submissions made by the parties and after considering the period of custody already undergone by the petitioner, the stage of investigation as well as the fact that trial is yet to commence, I deem it fit and appropriate to allow the instant petition.

The petitioner is ordered to be released on regular bail on his

furnishing personal bonds/surety bonds to the satisfaction of the trial Court.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

The instant petition is accordingly disposed of.

14.03.2022
anil

(VINOD S. BHARDWAJ)
JUDGE

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