

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

**CRM-M No. 14477 of 2021
Date of Decision: 28.07.2022**

Naveen

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sanjiv Sheoran, Advocate,
for the petitioner.

Mr. Ashok Kumar Sehrawat, Deputy Advocate General, Haryana

MAHABIR SINGH SINDHU, J.

1. Present petition has been filed under Section 439 of Criminal Procedure Code for seeking regular bail, pending trial in FIR No. 159, dated 12.10.2018, under Sections 186, 307, 332, 353, 34 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, registered at Police Station Rewari Sadar, District Rewari.

2. Allegations in brief are that two boys riding on a motorcycle, were intercepted by the police party and one of them fired at the police, who disclosed his name as **Naveen (petitioner)**, and a country-made pistol was recovered from him. The other co-accused disclosed his name as **Manish** and upon search, a country-made pistol was also recovered from him.

3. This Court, on 07.04.2021, granted interim bail to petitioner in the following manner:-

“ Contends that petitioner is in custody since October 12, 2018 and not even a single witness has been examined by the prosecution. Also contended that there is no injury in this case.

Learned State counsel seeks time to verify the above factual position.

Posted on 28.05.2021.

Till the next date of hearing, let petitioner be released on interim bail, on his furnishing bail bond and surety bond to the satisfaction of learned trial Court/CJM/Duty Magistrate, concerned. ”

4. Learned counsel submits that after grant of interim bail, petitioner has been regularly appearing before the learned Court below, but there is no progress of trial at all. Also contended that it is not the apprehension or allegation that in case, petitioner is granted bail, there would be any threat to the prosecution witnesses or the same is likely to hamper the trial in any manner.

5. Learned State Counsel, on instructions from concerned quarter, does not dispute the above factual position; rather acknowledged that out of 14 prosecution witnesses, only four (04) witnesses have been examined till date.

6. In view of the above, this Court is of the opinion that sending the petitioner in custody at this stage would not serve any purpose.

7. Consequently, the present petition is **allowed**. Interim bail granted to the petitioner, vide order dated 07.04.2021, is made absolute. He shall be admitted to bail on his furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.
9. The above observations may not be construed as an expression of opinion on the merits of the case.
10. It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.

July 28, 2022
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(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes / No</i>
<i>Whether Reportable</i>	<i>Yes / No</i>