

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

CRM-M-13400-2022 (O&M)

Date of decision: 11.07.2022

Harender Chauhan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Sanjay Vashisth, Advocate for the petitioner.

Mr. Surender Singh, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 125 dated 19.03.2021, registered under Section 307 IPC read with Section 34 IPC, Section 25(1-B)(a) of the Arms Act, 1959, and subsequently added Sections 27(1) of the Arms Act and 120-B IPC, at Police Station Palam Vihar, District Gurugram.

Copy of affidavit dated 18.04.2022 of the Assistant Commissioner of Police, Crime-II, Gurugram submitted by the learned State counsel in the Court, is taken on record.

Learned counsel for the petitioner submits that no injury has been attributed to the petitioner; that only allegation against the petitioner is that he has facilitated two accused, who fired towards the complainant; that during test identification parade on 01.07.2021, the petitioner was not identified by the complainant and on the same ground co-accused Vaibhav Chawda @

Bablu has already been granted regular bail vide order dated 12.05.2022 passed by this Court and that the petitioner has been in custody since 06.05.2021.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner has actively participated and facilitated two other accused, who fired towards the complainant. However, he does not dispute the custody period of the petitioner. He submits that the charges are yet to be framed.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 06.05.2021. The petitioner was not identified by the complainant during test identification parade. Moreover, co-accused Vaibhav Chawda @ Bablu has already been granted regular bail by this Court. The charges are yet to be framed. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

11.07.2022
Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No