

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

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CRM-M-14766-2022 (O&M)

Date of Decision: 20.07.2022

AJAY @ ANIL

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Kuldeep Sharma, Advocate for
Mr. Manish Soni, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition, is for grant of regular bail to the petitioner in case bearing FIR No.125 dated 19.03.2021 registered under Sections 307, 34, 120-B IPC and Section 25(1-B)(a) of the Arms Act, at Police Station Palam Vihar, District Gurugram.

Status report by way of an affidavit dated 18.07.2022 of the Assistant Commissioner of Police, Crime-1, Gurugram, filed on behalf of the respondent-State, in the Court, is taken on record.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the petitioner has not been named in the FIR; that there is no specific allegation against the petitioner, who has been in custody since 04.05.2021 and that co-accused, namely, Virender Kumar @ Bir Singh, has already been granted the concession of bail by the Hon'ble Supreme Court on 14.12.2021. He

further submits that the allegations against the petitioner is that he had supplied one revolver and one pistol to the co-accused, who had fired shots from the same

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner had actively participated in the occurrence, inasmuch as, he had supplied the weapons, which were ultimately used by the co-accused in committing the crime. He further submits that post presentation of the challan, the charges are yet to be framed.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 04.05.2021. Co-accused had already been enlarged on bail. Charges are yet to be framed and prosecution evidence is yet to commence. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

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

20.07.2022

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*