

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

CRM-M-19003-2022

Date of Decision: 22nd August, 2022

Pankaj @ Sonu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Kulvir Narwal, Advocate for the petitioner.
Mr. Gurmeet Singh, Assistant Advocate General, Haryana.

AVNEESH JHINGAN , J.(Oral)

1. This second petition is filed seeking regular bail in case of FIR No. 20, dated 4th February, 2018, under Sections 307 read with Section 34 of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959, registered at Police Station Sadar Panipat.

2. The earlier petition for bail was disposed of on 22nd November, 2021 by passing the following order:-

“1. Due to COVID-19 situation, the Court is convened through video conference.

2. This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 20, dated 4th February, 2018, under Section 307 read with 34 IPC and Sections 25 of the Arms Act, 1959, registered at Police Station Sadar Panipat.

3. One of the main ground for seeking bail is the custody period of the petitioner and the fact that the trial is not progressing.

4. Learned State counsel submits that there are total twelve prosecution witnesses and all of them are official witnesses. She on instructions from ASI Sukram Pal Singh submits that next date in the trial court is 25th November, 2021 and an earnest effort would be made to examine within three months from the next date.

5. In view of the statement made by learned State counsel, learned counsel for the petitioner seeks permission to withdraw the present petition at this stage.

6. The petition is dismissed as withdrawn.

7. However, petitioner will be at liberty to revive the prayer in case there is an inordinate delay in conclusion of

the prosecution witness.

8. There is no doubt that in case a request is made before the court concerned for accommodating dates for examination of the prosecution witnesses, the same shall be considered in accordance with law.”

3. Learned counsel for the petitioner submits that till date no prosecution witness has been examined. It is a case of a no injury. Petitioner is in custody since 4th February, 2018 and no further recovery is to be made.

4. Learned State counsel on instructions opposes the prayer for grant of regular bail. He relies upon the pleading of the reply and submits that petitioner is involved in three more FIRs. He further submits that challan has already been presented.

5. Without commenting upon the merits of the case, considering the custody period and the fact that trial is at a initial stage, no recovery is to be made from the petitioner and it is a case of no injury, petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

6. The petition is allowed.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(AVNEESH JHINGAN)
JUDGE

22nd August, 2022

Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No