

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

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CRM-M-17158-2022 (O&M)

Date of Decision: 29.08.2022

KAPIL SHARMA

...Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Saurabh Sharma, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG Haryana.

Mr. Sandeep Singh Jattan, Advocate
for the complainant.

HARNARESH SINGH GILL, J.(Oral)

The petitioner has filed this second petition for grant of regular bail in case bearing FIR No. 136 dated 23.08.2019, registered under Sections 307, 341, 506 IPC read with Section 34 IPC and Sections 212 and 120-B IPC (added later on) and Section 25 of the Arms Act, 1959, at Police Station Shahzadpur, District Ambala.

Status report by way of an affidavit dated 24.08.2022 of the Deputy Superintendent of Police, Naraingarh, Ambala, filed on behalf of the respondent-State, in the Court, is taken on record.

Learned counsel for the petitioner submits that there are four accused, including the petitioner, in the present case; that the allegations against the petitioner and other co-accused are that they fired upon the complainant; that though there is a specific injury attributed to the

petitioner, yet the fact remains that the petitioner has been in custody since 25.08.2019 and that the similarly situated co-accused has been granted regular bail. He further submits that now a compromise has been effected between the parties.

On the other hand, learned State counsel while opposing the prayer for grant of regular bail to the petitioner does not dispute the custody period of the petitioner. He, however, submits that the petitioner had actively participated in the alleged occurrence, inasmuch as, he along with the co-accused had fired three bullet shots on the person of the complainant and that some of the prosecution witnesses are yet to be examined. Still further, it is submitted that there are other cases as well registered and/or pending against the petitioner, though under Section 42-A of the Prisons Act.

Learned counsel for the complainant does not dispute the factum of the compromise. He further submits that on the basis of the compromise, a petition for quashing the above noted FIR has been preferred by the parties.

I have heard learned counsel for the parties.

The petitioner has been in custody since 25.08.2019. Compromise has been effected between the parties. Co-accused has already been enlarged on bail. Some of the prosecution witnesses are yet to be examined. 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, without expressing any opinion 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 regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate.

29.08.2022

(HARNARESH SINGH GILL)
JUDGE

Aman Jain

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