

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

CRM-M-18810-2022 (O&M)

Date of decision : 31.08.2022

Ashok

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. T.S. Attariwala, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

PANKAJ JAIN, J. (ORAL)

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.0026 dated 26.01.2021, registered for the offence punishable under Section 25 of the Arms Act, 1959 and Sections 307, 34 and 506 of IPC at Police Station Kalayat, District Kaithal.

2. Custody certificate has been filed. As per the same, petitioner has already undergone actual custody of 01 year, 5 months and 27 days.

3. Mr. Attariwala contends that the injuries alleged to have been caused and on thighs and neither the injuries are on vital parts of the body. He further submits that the story as depicted in the FIR also leaves many doubts which need to be answered. He further submits that keeping in view the long incarceration already suffered by the petitioner, the petitioner shall be entitled to be released on regular bail.

4. Mr. Jain while opposing the prayer made by the petitioner submits that the petitioner is a habitual offender and is facing trial in six more FIRs apart from the FIR in question.

5. Custody certificate would go on to show that in all other FIRs wherein the petitioner is undertrial, he has been bailed out. Investigation is complete. Challan already stands presented. There is no apprehension raised at the hands of prosecution w.r.t. the petitioner tampering with any evidence.

6. Keeping in view the custody already suffered by the petitioner, the fact that all the co-accused have already been admitted to regular bail by the trial Court, the present petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

7. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

31.08.2022
Dinesh

Whether speaking/reasoned	Yes
Whether Reportable :	No