

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

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CRM-M-22004-2022 (O&M)

Date of Decision: 08.12.2022

RAM KUMAR

... Petitioner

Versus

STATE OF UT, CHD.

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Gautam Bhardwaj, Advocate
for the petitioner.

Mr. Viranjeet Singh Mahal, Additional PP UT Chandigarh.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.365 dated 20.09.2018, registered under Sections 307, 114, 115, 34 and 302 IPC and Sections 25 and 27 of the Arms Act, at Police Station Sector-31, Chandigarh.

Learned counsel for the petitioner submits that though the a fatal blow on the person of the deceased has been attributed to the petitioner, yet the fact remains that the petitioner has been in custody since 26.09.2018; that the complainant (wife of the deceased) has already been examined before the learned trial Court and out of 28 prosecution witnesses, only 10 have been examined, so far; that the recovery has already been effected; that the co-accused has already been granted the concession of bail and that there is no other case registered and/or pending against him.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute his custody period. He, however, submits that the dispute between the parties was with regard to house rent; that the petitioner has inflicted a gun shot injury on the person of the deceased and that too in the presence of his wife (complainant herein) and thus, he does not deserve the concession of bail.

I have heard the learned counsel for the parties.

Though a fatal blow on the person of the deceased has been attributed to the petitioner, yet he has been in custody since 26.09.2018. Co-accused has already been enlarged on bail. There is no other cases registered and/or pending against the petitioner. Though the complainant has already been examined but most 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 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.

08.12.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

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