

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-22094-2022

Date of Decision: 17.11.2022

Anuj alias Kala

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. A.S.Shera, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.246 dated 12.8.2020 registered for the offences punishable under Sections 186, 353, 307, 34, 420 IPC and Section 25 of Arms Act at Police Station Murthal, District Sonapat.

Counsel for the petitioner submits that the petitioner was falsely implicated in the present case and during the alleged occurrence, no one sustained injuries and the petitioner is in custody for the last more than 2 years and it will take time to conclude the trial as 14 witnesses remains to be examined on behalf of the prosecution. He further submits that in other criminal cases, the petitioner has been granted bail.

Present petition is contested by the State counsel who submits that at the time of the occurrence, the petitioner and co-accused Kunal fired at the police party but luckily, no one was injured and both the accused were

apprehended at the spot and one country made pistol, one live cartridge and one empty cartridge were recovered from the possession of the petitioner. He has not disputed the fact that the petitioner is in custody for the last more than 2 years and further submits that the petitioner is having criminal history. So, prayer is made that the petitioner is not entitled to get benefit of bail.

I have considered the submissions made by the counsel for the parties.

Present case is a no injury case. Already, material witnesses have been examined during the trial. The petitioner is in custody for the last more than 2 years and it will take considerable time for the trial to conclude. As has been stated by the counsel for the petitioner, the petitioner has been granted concession of bail in other criminal cases faced by him.

It will take time for conclusion of trial. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

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

(KARAMJIT SINGH)
JUDGE

November 17, 2022

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No