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

**CRM-M-22784-2022**  
**Date of Decision:19.07.2022**

Sachin

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present: Mr. S.S. Jattan, Advocate, for the petitioner.

Ms. Shivani Sharma, Assistant Advocate General, Haryana.

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**JASGURPREET SINGH PURI, J. (Oral)**

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 101 dated 14.05.2018, under Sections 307, 393, 397,, 120-B IPC and Section 25 of Arms Act, registered at Police Station Bilaspur, District Yamuna Nagar.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody for the last 3 years and 5 months and material witnesses have already been examined including the complainant and the injured. He further submitted that as per the allegations contained in the FIR three persons had come and fired at the brother of the complainant who got injured. He further submitted that during course of investigation the police found that these three persons who are named in the FIR were in

fact innocent but the police implicated the petitioner on the basis of his purported disclosure statement in some other offence and even as per the prosecution story, the weapon was recovered from the other co-accused namely Virender and no recovery has been effected from the petitioner and during the course of deposition before the Court both the complainant and his brother who was injured did not identify the petitioner and they have specifically stated that the petitioner is not the person who has committed the offence. He further submitted that in view of the aforesaid position, the petitioner may be considered for the grant of regular bail.

On the other hand, Ms. Shivani Sharma, learned Assistant Advocate General, Haryana has submitted that it is correct that the petitioner is in custody for the last 3 years and 5 months and the material witnesses including the complainant and the injured have already been examined. She has however opposed the grant of bail to the petitioner on the ground that the petitioner is involved in one more case under the Arms Act.

I have heard the learned counsel for the parties.

The petitioner is in custody for the last 3 years and 5 months and after the completion of the investigation, the challan was presented and charges were framed and thereafter the material witnesses including the complainant and the injured who is his brother have been examined and during the course of deposition before the Court they have not identified the petitioner. As per the prosecution, the recovery of the weapon was from the other co-accused namely Virender and no recovery has been effected from the petitioner. Be that as it may, the petitioner has already faced incarceration for 3 years and 5 months and his name has been nominated

on the basis of disclosure statement. Furthermore it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper evidence or may flee from justice.

Therefore, considering the aforesaid facts and circumstances, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

**19.07.2022**

rakesh

**(JASGURPREET SINGH PURI)**  
**JUDGE**

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|--------------------|---|--------|
| Whether speaking   | : | Yes/No |
| Whether reportable | : | Yes/No |