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

CRM-M No.25539 of 2021 (O&M)

Date of decision: 17.03.2022

Kulwinder

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ajay Arora, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.221 dated 08.09.2020, for offence punishable under Sections 307/34/506 of the Indian Penal Code, 1860 (in short 'IPC') and 25 of the Arms Act, registered at Police Station Kalanwali, District Sirsa.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of Babbu @ Divesh Kumar, it is stated that he is a student and on 08.09.2020, the accused persons attacked them. One of the accused Koki took the pistol and fired a shot but it did not hit as the petitioner escaped by throwing the brickbat. It is further submitted that it is a case of no injury and the petitioner is in custody for the last 01 year 01 month and 25 days.

Lastly, it is submitted that out of 20 PWs, no PW has been examined so far.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 01 year 01 month and 25 days; no PW has been examined so far; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

17.03.2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No