

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

CRM-M-25857-2021 (O&M)

Date of decision: 20.04.2022

Gurpal Singh @ Cobra

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Satbir Gill, Advocate for the petitioner.

Mr. Surender Singh, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 184 dated 03.11.2020, registered under Sections 148, 149, 307, 323, 324 IPC and Section 25 of the Arms Act, 1959, at Police Station Baragudha, District Sirsa.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that though the petitioner has been attributed a gun-shot injury on the thigh of the complainant, yet the recovery effected from the petitioner is of a baton; that the petitioner has been in custody since 14.02.2021 and there is no other pending or decided case against the petitioner.

Learned State counsel, while vehemently opposing the prayer for bail submits that the petitioner has actively participated in the occurrence; that he had fired a gun-shot and that it was because of the injury attributed to the

petitioner, offence under Section 307 IPC was incorporated in the FIR. However, he does not dispute the custody period of the petitioner and that there is no other case against the petitioner. He submits that out of 26 prosecution witnesses, none has been examined so far.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 14.02.2021. Only the recovery of a baton has been effected from the petitioner. The prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Moreover, there is no other case against the petitioner. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

20.04.2022
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No