

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

CRM-M-24881-2022 (O&M)

Date of decision: 25.08.2022

Kanwaldeep Singh @ Kalu

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. H.S. Dhindsa, Advocate for the petitioner.

Mr. Gagandeep Singh Chhina, AAG Haryana.

Mr. Munish Behl, Advocate respondent No. 2.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in this 2nd petition is for grant of regular bail to the petitioner in case bearing FIR No.249 dated 08.06.2020, under Sections 307, 364-A, 395, 397, 341, 323, 506, 511, 188, 148, 149, 120-B IPC and Section 25 of the Arms Act, registered at Police Station Ambala Cantt. District Ambala, the first one having been dismissed as withdrawn on 06.04.2022.

The status report filed along with the FSL report filed by the respondent-State is already on record.

Learned counsel for the petitioner submits that the allegation against the petitioner is that he had snatched the revolver and three live cartridges from the complainant; that the petitioner has been in custody since 20.12.2020; that an affidavit has been executed by injured, namely, Sumit Kumar, who had received a bullet injury on his thigh, stating therein that the petitioner along with other co-accused have not fired upon him and that as far

as other cases against the petitioner is concerned, he is on bail in those cases.

He further points out that even as per the FSL report, the bullet does not match with the weapon, allegedly used in the occurrence and no bullet injury has been attributed to the petitioner.

Learned State counsel, while opposing the prayer for bail, submit that the petitioner had actively participated in the occurrence; that there is specific allegation against the petitioner and co-accused that they had tried to abduct Sumit for the purpose of ransom. However, learned State counsel does not dispute the custody period of the petitioner. He submits that the charges are yet to be framed.

Learned counsel for respondent No. 2 does not dispute the fact that respondent No. 2 has sworn an affidavit deposing therein that he had not recorded any statement against the petitioner and the petitioner had not inflicted any injury on his person.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 20.12.2020. Injured/victim, Sumit Kumar, has executed an affidavit deposing therein that the petitioner along with other co-accused had not fired upon him. Even as per the FSL report, the bullet does not match with the weapon, allegedly used in the occurrence. No bullet injury has been attributed to the petitioner. In other case against the petitioner, he is on bail in those cases. The charges are yet to be framed. Therefore, the conclusion of the trial would take time. 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

25.08.2022
Mangal Singh

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