

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

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CRM-M-28188-2022 (O&M)

Date of Decision: 09.09.2022

HARSH ALIAS BELAN

...Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. RN Lohan, Advocate for the petitioner.

Mr. Gagandeep Singh Chhina, AAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.125 dated 19.03.2021, registered under Sections 307, 34 and 120-B IPC and Section 25(1-B)(a) of the Arms Act, at Police Station Palam Vihar Gurugram, District Gurugram.

Learned counsel for the petitioner submits that the alleged firearm injury on the person of the complainant was with a pistol; that it is yet to ascertain as to whether the petitioner was having a pistol or a revolver in his hand, at the time of the alleged occurrence; that in a bail application preferred by co-accused, namely, Vaibhav before the learned Additional Sessions Judge, Gurugram, the State has specifically taken a stand that Vaibhav had fired a gun shot upon the complainant from the pistol and that the pistol in question was not recovered from the petitioner. He further submits that the petitioner has been in custody since 04.05.2021.

Per contra, while opposing the prayer for grant of regular

bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner had actively participated in the occurrence, inasmuch as, he after taking the pistol from co-accused, namely, Ajay @ Anil, had fired upon the complainant but the pistol did not work and he, thereafter, returned the same to Ajay @ Anil. He further submits that two live cartridges were recovered from the petitioner and that the petitioner was duly identified by the complainant. Still further, it is submitted that most of the prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 04.05.2021. It is yet to be ascertained whether the petitioner was having the pistol or the revolver in his hand. Some of the co-accused have already been enlarged on bail. Most of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

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

09.09.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*