

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

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**CRM-M-26861-2022
Date of decision: 23.06.2022**

NIKHIL ALIAS VIKI ALIAS GOLI

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Ms. Mehak Sawhney, Advocate and
Mr. Harish Yadav, Advocate
for the petitioner.

Mr. Randhir Singh, Addl. A.G. Haryana.

VINOD S. BHARDWAJ. J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No. 17 dated 21.01.2021 (Annexure P-1) registered under Sections 307 read with Section 34 of the Indian Penal Code, 1860 and Section 25(1-B)(a) and Section 27 of the Arms Act, 1959.

2. Learned counsel for the petitioner *inter alia* contends that as per the allegations leveled in the FIR registered at the instance of one Maha Singh son of Diwan Singh, there was a birth ceremony programme going on at his residence at village Kabalana on 20.01.2021 and his nephew in the family namely Bhagat Singh alias Kapil son of Sukhbir had also gone to attend the said function. At the time when the

last programme was going on, his nephew was also enjoying the same. An information was received by the complainant that two boys of Khungai village had picked up an altercation with Bhagat and that they fired shots at him. The injury sustained by the gun fire shots was on the left side of the chest, left arm and jaw of Kapil.

3. Learned counsel appearing on behalf of the petitioner inter alia contends that the petitioner is in judicial custody since 08.02.2021 and the investigation in the instant case is complete. She further contends that even though the charge in the case had been framed in the month of November, 2021, however, no witness has been examined so far and the petitioner has already undergone an actual custody of more than 01 year and 04 months. She contends that there are as many as 32 witnesses to be examined by the prosecution and that conclusion of the trial is likely to take long time. It is contended that the petitioner has no other involvement in criminal matter and that only another FIR bearing No. 49 dated 23.01.2021 was registered at Gurugram in relation to the weapon used in the present case.

4. Per contra, learned counsel appearing on behalf of the State has submitted that the petitioner fired gun fire shot on the chest of the injured and such injury was found grievous to life. He however could not controvert the fact that the petitioner is in custody since 08.02.2021 and the evidence in the case has not yet commenced.

5. I have heard learned counsel appearing on behalf of the respective parties and have gone through the record with their assistance.

6. Taking into consideration the circumstances noticed above, the period of custody, the antecedents of the petitioner, the stage of the trial and as also the probable period likely to be taken in the conclusion of the prosecution evidence, I deem it appropriate to enlarge the petitioner on bail to the satisfaction of the trial Court.
7. The instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.
8. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.
9. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

The petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

JUNE 23, 2022
vishal sharma

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