

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

CRM-M-23749-2019 (O&M)

Date of decision: 25.08.2022

Pawan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. S.S. Verma, Advocate for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. AG Haryana.

Mr. Sumit Sangwan, Advocate for the complainant.

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. 130 dated 14.04.2018, registered under Sections 302, 379-B, 392, 397 IPC read with Section 34 IPC, Section 25 of the Arms Act and later on added Sections 307, 395, 396 IPC read with Section 149 IPC, at Police Station Bhadra, District Charkhi Dadri.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR, but he was indicted in the present case on the disclosure statement of the co-accused; that no recovery has been effected from the petitioner; that the challan stands presented; that the petitioner is involved in the present case only under Section 25 of the Arms Act; that the complainant has been examined; that as far as other case against the petitioner are concerned, he stands acquitted or is on bail in those cases and that the petitioner has been in custody since 15.06.2018.

Learned State counsel and learned counsel for the complainant, while vehemently opposing the prayer for bail, submit that the petitioner has actively participated in the occurrence, he is a habitual offender. However, he does not dispute the custody period of the petitioner. He submits that out of 33 prosecution witnesses, 24 have been examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 15.06.2018. Though there are specific allegations against the petitioner, yet the fact remains that he was not named in the FIR and was indicted on the disclosure statement. The complainant stands examined. The remaining 09 prosecution witnesses are yet to be examined. 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?
Whether reportable?

Yes/No
Yes/No