

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

247

CRM-M-27385-2022 (O&M)

Date of Decision: 08.07.2022

KUNAL MAHAJAN

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Umesh Aggarwal, Advocate
for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.262 dated 31.10.2021, registered under Sections 307, 148 and 149 IPC; Sections 25 and 27 of the Arms Act and Sections 54 and 59 of the Arms Act (added later on), at Police Station Ranjit Avenue, District Amritsar.

Learned counsel for the petitioner submits that the petitioner has not been named in the FIR; that the petitioner has been indicted in the present on the basis of the supplementary statement of the complainant recorded on 02.11.2021, wherein he has stated that one of the unknown persons was the petitioner; that no injury has been attributed to the petitioner and that the petitioner has been in custody since 15.11.2021.

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, the weapon used by co-accused, namely, Sarthak along with 10 live cartridges was recovered from the petitioner. He further submits that post presentation of the challan, prosecution evidence is yet to commence.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 15.11.2021. Only the weapon along with 10 live cartridges was recovered from the petitioner. No injury has been attributed to the petitioner. Prosecution evidence is yet to commence. 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.

08.07.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>