

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

205

CRM-M-30217-2021(O&M)

Date of decision: 30.03.2022

AMIT GUJJAR

....Petitioner

Versus

STATE OF HARYANA

...Respondent

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

Present : Mr. G.S. Madaan, Advocate
for the petitioner.

Mr. Ashish Yadav, Additional AG Haryana.

VINOD S. BHARDWAJ. J. (ORAL)

CRM-36601-2021

In view of the order passed in the main petition, the instant application is dismissed as having been rendered infructuous.

CRM-M-30217-2021

The instant petition has been filed under Section 439 CrPC for grant of regular bail to the petitioner in case FIR No.199 dated 12.12.2020 under Sections 323, 341, 307, 452, 506, 147, 148 and 149 of the IPC and Section 25 of the Arms Act registered at Police Station Kalka, District Panchkula, Haryana.

Learned counsel for the petitioner *inter alia* contends that even though Section 307 IPC has been attracted to the instant FIR on account of a gunfire shot, however, there is no injury sustained by any victim on account of gunfire shot. There are only 04 injuries on the body of the complainant and the said injuries were declared simple in nature. He further submits that the petitioner has been in custody since 30.12.2020 and that the trial has not made much progress. Only 3 witnesses out of total 18 witnesses have been examined so far.

Learned State counsel does not controvert the said fact, however, he

submits that the petitioner is involved in a large number of cases and that there are as many as 13 cases registered against the petitioner.

Learned counsel for the petitioner controverts the said submission of the learned State counsel and submits that the petitioner already stands acquitted in as many as 4 cases and has been enlarged on bail in all other matters, except 3 cases including the present case.

Heard learned counsel for the parties and have perused the material on record.

After taking into consideration the circumstances noticed above including that the injuries are simple; and that mere pendency of the other cases is not a ground for perpetual custodial detention of an accused as well as the fact that trial in the case in hand has not progressed, despite the petitioner having been undergone an actual custody of more than 01 year and 03 months, I deem it appropriate to enlarge the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of Trial Court/Duty Magistrate, concerned.

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.

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.

(VINOD S. BHARDWAJ)
JUDGE

March 30, 2022

S.Sharma(syr)

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