

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

202

CRM-M-28765-2022

DATE OF DECISION: 31.08.2022

PARMOD

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Neeraj Gaur, Advocate for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

Mr. Abhishek Goyal, Advocate for the complainant.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking regular bail in FIR No.19 dated 21.01.2020, under Sections 148, 149, 341, 307, 120-B IPC and Section 25 of the Arms Act, 1959, registered at Police Station Chhainsa, District Faridabad.

Learned counsel for the petitioner contends that the petitioner has been attributed a solitary gun-shot injury on the injured. He further contends that the injured has fully recovered from the injury. The MLR is from a private hospital. The petitioner is in custody for about 02 years and 05 months. He also states that the petitioner is involved in other cases pertaining to Arms Act and other sections of IPC but he has not caused any injury in those cases. He is not attributed any injury in those cases and he is on bail.

This Court by the order dated 13.07.2022 had adjourned the matter after recording the submission of the learned State counsel that the complainant is yet to be examined and the counsel for the complainant had

submitted that every endeavour would be made to examine the complainant on the next date of hearing.

Learned counsel for the complainant submits that the complainant was present on 12.08.2022 for his examination but the same could not be done as one of the co-accused namely Ankit had jumped the bail and was not present.

At this stage, learned counsel for the petitioner submits that the co-accused Ankit is intentionally trying to prolong the trial to keep the petitioner in custody. The co-accused Ankit has filed a petition bearing CRM-M No.11186 of 2021 for quashing the FIR qua him on the basis of compromise with the complainant and the coordinate Bench of this Court had directed the trial Court to record the statements. A copy of the compromise signed by the complainant has also been filed in that petition.

Learned counsel for the complainant submits that the complainant has deposed before the trial Court that the matter has not been compromised with Ankit.

Learned State counsel submits that none out of 29 prosecution witnesses has been examined. He also submits that as per the affidavit submitted by the ACP on 25.08.2022, the petitioner has been acquitted in two cases while he is facing trial in another case under the Arms Act.

Heard.

In view of the above, especially when the petitioner is in custody for over 2 years and 5 months and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

At the time of release of the petitioner, the SHO, Police Station Chhainsa shall be informed. The petitioner shall furnish his mobile number to the SHO and keep his mobile location on till the conclusion of the trial. He shall also appear before the police station, Chhainsa on first Monday of every month till conclusion of the trial.

(ANUPINDER SINGH GREWAL)
JUDGE

31.08.2022

SwarnjitS

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