

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-30966-2022

Date of decision : 25.07.2022

Gopal Krishan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Wazir Singh, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.109 dated 22.02.2018 registered under Sections 148, 149, 323, 379-B, 452, 427, 506, 511 IPC and Sections 25 & 54 of the Arms Act, 1959 at Police Station Quilla, District Panipat.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 09.05.2022 and the challan has already been presented and there are 17 prosecution witnesses and none of them have been examined, thus, the trial is likely to take time and the petitioner is not involved in any other case except one case under Section 138 of the Negotiable Instruments Act, 1881. It is further submitted that even as per the FIR, no overt act has been attributed to the present petitioner and neither the petitioner had gone into the house nor had caused any injury to any person and even as per the FIR, he was stated to be sitting outside in the car

Pardeep Sahraya has already been granted anticipatory bail by a coordinate Bench of this Court vide order dated 20.07.2018 passed in CRM-M-16518-2018.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that a perusal of the FIR would show that the person, who had come to the house of the complainant, had told them to withdraw the case against Gopal and said Gopal was present outside in the car at the time of occurrence.

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner has been in custody since 09.05.2022 and the challan has already been presented and there are 17 prosecution witnesses and none of them have been examined, thus, the trial is likely to take time and the petitioner is not involved in any other case except one case under Section 138 of the Negotiable Instruments Act, 1881. Even as per the FIR, no overt act or injury has been attributed to the present petitioner and the petitioner is stated to be sitting outside in the car along with Pardeep Sahraya and said Pardeep Sahraya has already been granted anticipatory bail by a coordinate Bench of this Court vide order dated 20.07.2018 passed in CRM-M-16518-2018.

Keeping in view the above said facts and circumstances, 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 concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the

petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

July 25, 2022
Davinder Kumar

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