

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31958-2022
Date of Decision: 12.09.2022

Harsh

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ravinder Rana, Advocate, for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 45 dated 18.02.2021, under Sections 307, 201, 120-B, 452, 506, 34 IPC and Sections 25, 27, 54, 59 of Arms Act, registered at Police Station Beri, District Jhajjar.

The learned counsel for the petitioner has submitted that the petitioner is in custody from 10.03.2021 which is almost 1 ½ years and the complainant has already been examined who has not supported the prosecution version and he has been declared hostile. He further submitted that as per the prosecution story, the petitioner was already arrested in some other case and in that case he had made a disclosure statement that he has committed the present offence alongwith the other co-accused. He further

submitted that in the present case the petitioner has been falsely implicated only because he was involved in some other cases in which he is already on bail. He further submitted that since the complainant has already been examined and he has not supported the prosecution version and in view of the aforesaid facts and circumstances, he may be considered for the grant of regular bail.

On the other hand, Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana has filed reply by way of affidavit and has submitted that it is correct that the petitioner is in custody from 10.03.2021 and the complainant has been examined who has not supported the prosecution version. On a query being raised to the learned counsel for the State as to whether the empty cartridges etc. which were allegedly recovered from the restaurant was compared with the pistol recovered from the petitioner or not, he submitted that the report of FSL Laboratory has been received in which no definite opinion has been given them with regard to the aforesaid comparison. He has however opposed the grant of bail to the petitioner on the ground that the petitioner is involved in as many as four more cases.

I have heard the learned counsel for the parties.

The investigation of the case has been completed and the complainant has already been examined who has not supported the prosecution version. As per learned State counsel there was no definite opinion obtained from the FSL Laboratory with regard to the comparison of the confiscated weapon and the empty cartridges which were found at the spot. The mere fact that the petitioner is involved in other cases cannot

disentitle the petitioner for grant of regular bail especially in view of the fact that the name of the petitioner has been nominated in this case on the basis of his own disclosure statement in the other case.

In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioner.

Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

12.09.2022

rakesh

**(JASGURPREET SINGH PURI)
JUDGE**

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