

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

SR. No.230

CRM-M-32722-2022

Date of Decision:02.08.2022

Gagandeep Singh

...Petitioner

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Harinder Pal Singh Ishar, Advocate,
for the petitioner.

Mr. N.S. Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

This is second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.244 dated 15.07.2018 under Sections 186/307/353/420/34 of the Indian Penal Code and Section 25 of the Arms Act registered at Police Station Sadar Jind, District Jind.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 15.07.2018, which is more than 04 years. The charges were framed on 13.02.2019 and only three witnesses have been examined till now. He further submitted that as per the allegations contained in the FIR, three youths had come in a car and after seeing the police party, one of them had fired upon them. However, it is submitted that no injury has been caused to anybody in the present case. He further submitted that the petitioner was falsely implicated in the present case in view of the fact that he was earlier involved in some cases and he is already on bail in those cases and only because of this reason, he was falsely

implicated. Be that as it may, learned counsel for the petitioner has submitted that the petitioner has already suffered incarceration for more than 04 years and therefore, he may be considered for grant of regular bail.

On the other hand, Mr. N.S. Panwar, learned Deputy Advocate General, Haryana, has stated that it is correct that the petitioner is in custody as aforesaid and charges were framed on 13.02.2019. He further submitted that only 03 witnesses have been examined out of total 19 witnesses. He has, however, opposed the grant of regular bail to the petitioner on the ground that the petitioner was earlier also involved in number of cases and he does not have clean antecedents.

I have heard the learned counsel for the parties.

Admittedly, the petitioner has faced incarceration for more than 04 years and out of total 19 witnesses, only 03 witnesses have been examined till date. As per the allegations contained in the FIR, no injury was caused to anybody, although the allegations were that one of the persons had fired upon the police party. Be that as it may, pendency of other cases against the petitioner cannot become a bar for considering the present petition for grant of bail especially in view of the fact that he has already faced incarceration for more than 04 years and it was a case of no injury. Apart from this, it is not the case of the State that in case the petitioner is released on bail, then he may abscond or may influence any witness. Therefore, considering the aforesaid facts and circumstances, the petitioner is entitled for grant of regular bail.

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.

(JASGURPREET SINGH PURI)
JUDGE

02.08.2022
mks

Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO