

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

Sr. No.212

CRM-M-40555-2021 (O&M)

Date of Decision: 16.03.2022

Ramphal

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

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

Mr. Amreek Singh Narwal, DAG, Haryana.

SANT PARKASH, J. (ORAL)

CRM-37952-2021

Prayer in the instant application is for placing on record Annexure P-4 i.e. FSL report dated 03.10.2019 and also for grant of exemption from filing the certified and typed copy of the same.

Application is allowed subject to all just exceptions and Annexure P-4 is taken on record.

CRM-M-40555-2021

The instant petition has been filed under Section 439 Cr.P.C. seeking grant of regular bail in case FIR No.428 dated 08.09.2018, registered under Sections 148, 149, 302, 307, 506 IPC and Section 25 of Arms Act, 1959 (challan under Section 302, 307, 506, 34, 120-B of IPC and Section 25 of Arms Act) at P.S.Tosham, District Bhiwani.

It is contended that neither any specific injury has been attributed to the present petitioner nor anything has been recovered from him. Moreover, as per FSL report (Annexure P-4), the bullet recovered from the body of deceased Harpal was fired from the weapon recovered from the main accused Parveen. It is further contended that one of the co-accused of the petitioner namely Sumit @ Mamn has already been granted concession of regular bail by this Court vide order dated 07.07.2021 (Annexure P-2) and the petitioner is in custody since 11.11.2018.

On the other hand, learned State counsel opposes the prayer made on behalf of the petitioner and submits that the petitioner was specifically named in the FIR. However, learned State counsel does not dispute the facts with regard to the custody period undergone by the petitioner and also with regard to the fact that no fire arm injury has been attributed to the present petitioner.

Heard.

The petitioner is in custody since 11.11.2018 and has therefore, undergone approximately 03 years and 04 months of incarceration. Keeping in view the fact that no fire arm injury has been attributed to the present petitioner and further that challan has already been presented, no useful purpose would be served by keeping the petitioner behind bars. Moreover, conclusion of the trial will take some time keeping in view the prevailing pandemic situation.

Taking into consideration the totality of the circumstances and without commenting on the merits of the case, it is considered as appropriate to release the petitioner on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial court/Duty Magistrate/Chief Judicial Magistrate concerned.

Ordered accordingly.

Petition stands allowed.

**(SANT PARKASH)
JUDGE**

16.03.2022
Maninder

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