

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

202

**CRM-M-37884-2021(O&M)
Date of decision: 02.02.2022**

ASHOK @ SHOKI

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Lalit Kumar, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG Haryana.

VINOD S. BHARDWAJ. J. (ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

By means of the instant petition, the petitioner prays for grant of regular bail in case FIR No.186 dated 11.05.2020 under Sections 148, 149, 307, 323, 452, 120-B of the IPC and Section 25 of the Arms Act, registered at Police Station Meham, District Rohtak.

Learned counsel for the petitioner contends that the petitioner has been in custody since 19th May, 2020. General allegations of indiscriminate firing have been levelled against six persons. The complainant had suffered a firearm injury, which is attributed to co-accused Monu. No weapon has been recovered from the petitioner. Besides, the trial is yet to commence as charges were framed on 17.01.2022 and evidence is yet to start. There are as many as 33 witnesses named by the investigating agency in its final report. No purpose of investigation or interest of justice shall be advanced by incarceration of the petitioner.

Learned State counsel has opposed the prayer by making a reference

to other cases that had been registered against the petitioner. Reference is made to Para 8 of the preliminary submissions incorporated in the reply filed by way of affidavit of Sajjan Kumar, Deputy Superintendent of Police, Rohtak dated 20.01.2022. It is, however, not disputed that the petitioner has been in custody for a period of 01 year and 08 months approximately and that the trial is still at initial stage.

Learned counsel for the petitioner submits that insofar as other cases registered against the petitioner are concerned, the petitioner has been enlarged on bail in all the said cases.

Learned State counsel is not in a situation to controvert the said averment made on behalf of the petitioner.

Heard.

Considering the trial to be at initial stage and the custody period of 01 year and 08 months approximately, I deem it appropriate to enlarge the petitioner on bail. Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

February 02, 2022

S.Sharma(syr)

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