

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

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CRM-M-41327-2021

Date of Decision: 06.01.2022

Aakash @ Kalu

....Petitioner

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. G.C. Shahpuri, Advocate for the petitioner.

Mr. Anmol Malik, Deputy Advocate General, Haryana.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

This petition under Section 439 Cr.P.C has been moved for grant of regular bail to petitioner- **Aakash @ Kalu** in case F.I.R. No.204 dated 17.07.2021 under Section 307 IPC read with Section 34 IPC and Section 25 of Arms Act, registered at Police Station Sector 17, HUDA, Jagadhri, District Yamunanagar.

Learned counsel for petitioner *inter alia* contends that version, as alleged in the FIR, is totally concocted one and there is no iota of truth therein. He further submits that petitioner was not named in the FIR, whereas name of petitioner surfaced in the array of accused for the first time in terms of disclosure statement rendered by co-accused Munish @ Monu. He further submits that nobody was injured in the alleged firing. He further submits that petitioner is languishing in custody since 05.09.2021 and he is no more required by the Police for any investigation purpose as after completion of investigation, final report as envisaged under Section 173 Cr.P.C. (*Challan*) has already been presented in Court. He further submits that since trial of the case would take sufficient time to conclude,

no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is languishing in custody since 05.09.2021; that petitioner is no more required by the Investigating Agency for investigation purpose; that *Challan* has already been presented in Court and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner- **Aakash @ Kalu** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/Chief Judicial Magistrate/Duty Magistrate, District Yamunanagar at Jagadhri, as the case may be.

(LALIT BATRA)
JUDGE

06.01.2022

d.gulati

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No