

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

CRM-M-37075-2022
Date of Decision:-**28.10.2022**

SHABDIN @ BHOLA

... Petitioner

Versus

STATE OF HARYANA

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Munfaid Khan, Advocate
for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana
assisted by ASI Gajraj.

-.-

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of regular bail in case having FIR No.420 dated 30.09.2021 registered under Sections 353, 307 read with Section 34 IPC and Section 25 of Arms Act at Police Station Sector-50 District Gurugram.

The counsel for the petitioner submits that the petitioner has been falsely implicated in the present case at the instance of the police officials. The counsel for the petitioner has further submitted that it is a no injury case and the petitioner is behind the bars for the last more than one

year and that the trial has not progressed ahead. The counsel for the petitioner has further submitted that petitioner is involved in some other criminal cases but he has been granted bail in all those cases. So prayer is made that petitioner may be given benefit of regular bail in the present case.

On the other hands that the State counsel has opposed the present petition and submitted that in the present case the petitioner and his companions attacked the police party with fire arms and one country made pistol and two live cartridges were recovered from the possession of the petitioner, who was arrested at the spot on 30.9.2021. However, the State counsel has not disputed the fact that no one sustained injury at the time of the occurrence and that till date no prosecution witness has been examined during the trial.

I have considered the submissions made by counsel for the parties.

As per the custody certificate furnished by the State counsel, the petitioner is in custody for the last more than one year and he is also involved in some other criminal cases. However, as per the counsel for the petitioner, in all the other criminal cases the petitioner has been granted concession of bail. During investigation, recoveries have been effected in this case, which also include one country made pistol and two live cartridges from the possession of the petitioner. After completion of investigation, the police has presented the challan and charges have been framed but till date the trial has not moved ahead. Admittedly it is a no injury case and it will take considerable time for the trial to conclude. So no fruitful purpose is

going to be served by keeping the accused behind the bars for any longer period.

Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

28.10.2022
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No