

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

CRM-M-37837-2022

Date of decision : 27.09.2022

Vakil @ Gokal

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Vikas Bishnoi Godara, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. Advocate General, Haryana with
ASI Rohtash, Police Station Agroha, Hisar.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.134 dated 29th of May, 2020 registered for the offences punishable under Sections 307, 452, 393, 397, 34 of the Indian Penal Code and Sections 25/54/59 of the Arms Act, 1959, at Police Station Agroha, District Hisar, Haryana.

2. Custody Certificate of the petitioner has been filed on behalf of the respondent-State, today in Court . The same is taken on record.

3. Ld. Counsel for the petitioner submits that the petitioner is

in custody since 8th of September, 2020. It is a case of no injury though firing in air has been alleged. He submits that the Challan stands presented and out of total 19 cited witnesses, 7 have been examined which include material witnesses like complainant etc. He further submits that PW-1 and PW-2 have not supported the case of prosecution and have been declared hostile. Thus, there is no apprehension that the petitioner will tamper with the evidence and as such, he is entitled for relief of regular bail.

4. Per contra, Ld. State Counsel submits that though the factual position can't be disputed being based on record however, the petitioner is a habitual offender and there are around 7 more cases pending against him wherein he is facing allegations of similar nature.

5. I have heard counsel for the parties and have gone through the records of the case.

6. It is not disputed that that the Challan already stands presented and the material witnesses therein have not supported the case of prosecution. It is a case of no injury. There can't be any apprehension w.r.t. tampering of evidence in case the petitioner is released on bail. As per Custody Certificate, the petitioner is on bail in all the 7 cases. So far as the pendency of other cases is concerned, Counsel for the petitioner relies upon the law laid by Apex Court in

Maulana Mohd. Amri Rashadi vs. State of U.P., 2012(2) SCC 382.

7. Thus, in view the aforesaid facts & circumstances and keeping in view the long incarceration already suffered by the petitioner, he is held to be entitled for concession of regular bail. Accordingly, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.

8. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

September 27, 2022

Dpr

(PANKAJ JAIN)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No