

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

205

CRM-M-41655-2021 (O&M)

Date of Decision: 02.03.2022

Nisar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Ashok Kaushik, Advocate for petitioner.

Mr. Deepak Bhardwaj, Deputy Advocate General, Haryana.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

Present second petition under Section 439 Cr.P.C has been moved by petitioner-**Nisar** for grant of regular bail in case FIR No.97 dated 14.06.2020 under Sections 188, 307, 341 and 379-B IPC read with Section 34 IPC and Section 27 of Arms Act, registered at Police Station Bicchor, District Nuh.

Learned counsel for the 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 allegedly petitioner along with co-accused in furtherance of their common intention snatched mobile phone as well as currency notes from the person of Tayyub and further inflicted fire-arm injury to him, whereas petitioner has no nexus whatsoever with the

alleged offence. He further submits that petitioner is languishing in custody since 04.07.2020 and he is no more required by the Police for any investigation purpose as after completion of investigation, final report under Section 173 Cr.P.C. (*Challan*) has already been presented in Court and trial has commenced. He further submits that during the course of trial, testimonies of material prosecution witnesses namely PW-1 Rahis (complainant), PW-2 Tayyub (injured), PW-3 Suleman and PW-4 Islam have already been recorded by Trial Court, wherein they have not supported the cause of prosecution as they have failed to identify the assailants. He further urges 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 and have carefully gone through the contents of petition as well as testimonies of prosecution witnesses namely PW-1 Rahis (complainant), PW-2 Tayyub (injured), PW-3 Suleman and PW-4 Islam (Annexure-P/6).

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 in custody since 04.07.2020; that petitioner is no more required by the Investigating Agency for investigation purpose; that *Challan* has already been presented in Court; that testimonies

of material prosecution witnesses namely PW-1 Rahis (complainant), PW-2 Tayyub (injured), PW-3 Suleman and PW-4 Islam have already been recorded 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-**Nisar** 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, Mewat, as the case may be.

(LALIT BATRA)
JUDGE

02.03.2022

Varinder Pashad

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No