

CRM-M-45279-2021

Date of Decision:24.02.2022

Aryan

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Sunil Saharan, Advocate,
for the petitioner.

Mr. Manish Dadwal, A.A.G., Haryana.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

On 09.11.2021, the following order had been passed by this
court:-

“By this petition, the petitioner seeks the concession of 'regular bail' under the provisions of Section 439 Cr.P.C., upon FIR No.372, dated 11.07.2021, having been registered at Police Station Azad Nagar, District Hisar, alleging therein the commission of offences punishable under the provisions of Sections 147/149/285/307 of the IPC and Section 25 of the Arms Act, 1959.

Learned counsel for the petitioner submits that the petitioner has not been named in the FIR and admittedly it is a case where no person was injured; and the allegation was that 5-6 boys fired gunshots at the complainant, with one bullet having hit the roof of his house.

Learned State counsel submits that there are three other criminal cases registered against the petitioner and therefore he does not deserve to be admitted to bail.

Learned counsel for the petitioner counters by submitting that as regards those FIRs the petitioner was found to be juvenile and has been admitted to bail.

Whereas actually that would be a ground to deny the petitioner bail in the present case, however, since no person has actually been named in the FIR with none having received any injury and with learned counsel also stating that the petitioner is to get married on 14.11.2021 (with no documentary proof of that), without making any comment on the actual merits of the case, he is ordered to be admitted to 'interim bail', upon him furnishing adequate bail and surety bonds to the satisfaction of the trial court concerned, till the next date of hearing before this court.

A gazetted officer is directed to file a detailed reply to the petition.

Adjourned to 14.12.2021.”

A reply has been filed on behalf of the State, which is ordered to be taken on record.

Though learned State counsel points to that reply to submit that there are other criminal cases also against the petitioner and therefore he does not deserve to be admitted to bail, he could not deny that the case is one of no injury at all and the weapon alleged to have been used has been recovered from the petitioner.

That being so, without making any comment on the actual merits of the case, the petition is allowed. The petitioner shall be admitted to bail

upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/Duty Magistrate/Chief Judicial Magistrate concerned.

February 24, 2022
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.