

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

CRM-M-42366 of 2022(O&M)

Date of Decision: 23.12.2022

Amit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Vinod Ghai, Sr. Advocate with
Ms. Kanika Ahuja, Advocate
For the petitioner.**

Mr. Ajay Kashyap, AAG Haryana

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case having FIR No. 80 dated 23.03.2022, registered under Sections 147, 148, 307, 323, 341, 427, 506 and 120-B IPC and Section 25 of Arms Act at Police Station City Dadri, District Charkhi Dadri.

The counsel for the petitioner, *inter alia*, contends that the petitioner has been falsely implicated in the present case at the instance of complainant Surinder @ Sonu who was working as a driver with Krishna @ Ford who was having some dispute with Satyamitra and the present petitioner is close associate of said Satyamitra. The counsel for the petitioner further submits that in the present case no one sustained injuries at the time of occurrence and that petitioner was arrested on 19.06.2022 and no weapon

who is presently lodged in judicial custody. The counsel for the petitioner further submits that actually the petitioner was not present at the spot at the time of occurrence and allegations against him are that the occurrence in question took place at his behest. The counsel for the petitioner further submits that it will take time for the trial to conclude. So, prayer is made that the present petition be allowed.

Status report by way of an affidavit of Virender Singh, DSP, HQ Charkhi Dadri is taken on record.

The present petition is opposed by the State counsel who on instructions from ASI Kuldeep submits that co-accused Ashu, Maani, Vipin and Bhandu along with 15/20 unknown persons intercepted the car of Krishan @ Ford driven by complainant Surinder and all of them attacked the said car and damaged its wind screen and glass windows with different weapons and also fired shots which hit the car but they succeeded in escaping and the said attack was carried out at the behest of the petitioner and Satyamitra. The State counsel further submits that the petitioner is involved in 17 other criminal cases whose detail is given in the status report filed by the State. However, the State counsel has not disputed the fact that the petitioner is in custody since 19.06.2022 and that no one sustained injuries at the time of occurrence and that no weapon was recovered from the possession of the petitioner and further that trial is not progressing ahead as charges are yet to be framed.

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

Admittedly, the present case is a no injury case and the petitioner is in custody for the last more than 05 months. As per the status

report filed by the State the co-accused persons attacked the car of Krishan @ Ford driven by complainant Surinder only at the behest of the present petitioner who is close associate of Satyamitra who is having property dispute with Krishan @ Ford. No firearm or incriminating article was recovered from the possession of the petitioner who is presently lodged in judicial custody. Admittedly, trial has not proceeded further as charges are yet to be framed and even thereafter it will take considerable time for the trial to conclude. The counsel for the petitioner has clarified that in all the other criminal cases the petitioner is enlarged on bail.

In view of the above, no purpose is going to be served by keeping the petitioner in custody for any longer period.

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

23.12.2022

Jiten

**(KARAMJIT SINGH)
JUDGE****Whether speaking/reasoned : Yes/No****Whether reportable : Yes/No**