

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

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**CRM-M-44387-2022
Decided on : 29.09.2022**

Yogesh

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Manvinder Sidhu, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl. AG, Haryana.

SANJAY VASHISTH, J. (Oral)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to the petitioner – Yogesh, who has been booked for having committed the offences punishable under Section 25 of the Arms Act No.54 of 1959, in FIR No. 325, dated 18.07.2021, registered at Police Station Meham, District Rohtak, during the pendency of trial.

Learned counsel for the petitioner submits that it is a case of recovery of country-made pistol, which was found empty. There is no recovery of any bullets/cartridges. Learned counsel for the petitioner further submits that petitioner was also involved in a case under Section 302 of IPC, but has already been released on bail in the said matter. He further submits that petitioner is inside jail for more than 01 year and 02 months and cannot be left in custody for indefinite period, as investigation has been completed and nothing has been found against the petitioner. He further submits that there are fairly arguable points during the course of the trial showing the innocence of the petitioner, and further incarceration of the petitioner is not worth in this case.

On the other hand, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, submits that petitioner is involved in a matter of serious nature i.e. a case under Sections 302 & 307 of IPC. However, learned State counsel does not dispute

that as reflecting in the impugned order dated 15.09.2022, petitioner has already been enlarged on bail in the said case.

After hearing learned counsel for the parties and perusing the relevant material on record with their able assistance, I am of the view that petitioner deserves the concession of bail, once in the graver offence he has already been extended the concession of bail. Moreover, learned State counsel does not dispute that the challan has been submitted in the case and conclusion of trial would take sufficient time. It is also not disputed that petitioner is inside jail since 18th July, 2021 i.e. for more than 01 year and 02 months.

Accordingly, the prayer made in the present petition is allowed. Petitioner is ordered to be released on bail in this case, subject to his furnishing bail/surety bonds to the satisfaction of the learned Trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made here-in-above shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of evidence available on record.

Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

September 29, 2022

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No