

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

**CRM-M No.47590 of 2022 (O&M)
Date of decision : 17.11.2022**

Sandeep @ Monu

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. D.P.S.Bajwa, Advocate for the petitioner.

Mr. Sumit Jain, Addl.AG, Haryana.

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 F.I.R. No.221 dated 09.09.2021 registered under Sections 307, 34, 120-B IPC and Section 25/54/59 of the Arms Act, 1959 at Police Station Bhuna, District Fatehabad, Haryana, final report under Section 173 Cr.P.C. submitted for offences under Sections 307, 34, 120-B, 212 of IPC and Section 25/54/59 of the Arms Act, 1959.

Custody certificate by way of an affidavit of Dalbir Singh, Dy. Superintendent Jail, Deputy Superintendent, Central Jail No.2 (Hisar), Haryana on behalf of the respondents has been filed. The same is taken on record.

Counsel for the petitioner submits that apart from the bald allegations with respect to firing of gun shots and it is a case wherein no injury has been attributed to the petitioner. The petitioner is behind bars for the last more than 7 months and 7 days. Investigation already stands concluded as report under Section 173 Cr.P.C. stands filed. Thus there

cannot be any apprehension that the petitioner would tamper with the evidence or shall create impediment in the course of trial.

Learned State counsel does not deny the fact that the injury caused to the complainant is not attributed to the petitioner and the challan already stands presented. However, he submits that the petitioner is facing another FIR No.282 dated 06.12.2021 registered for offences punishable under Sections 25/54/59 of the Arms Act at Police Station Bhana.

Faced with the situation, counsel for the petitioner submits that in the said FIR, petitioner already stands admitted to bail.

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

Keeping in view the incarceration already suffered by the petitioner and the fact that the investigation stands concluded and the injury caused on the body of the complainant has not been attributed to the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

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

(PANKAJ JAIN)
JUDGE

17.11.2022

Pooja sharma-I

Whether speaking/reasoned
Whether Reportable :

Yes
No