

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-52271-2022

Date of Decision: 17.11.2022

Waris Verma

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. RS Dhull, Advocate for the petitioner

Mr. Chetan Sharma, AAG Haryana

Sandeep Moudgil, J. (Oral)

(1) The petitioner has filed the present petition under Section 439 CrPC seeking regular bail in case FIR No.126 dated 18.05.2022 under Sections 307 IPC and Sections 25/27/29 of Arms Act, 1959 registered at Police Station Sector 9, Ambala City, District Ambala.

(2) Learned counsel for the petitioner contends that there is a delay of 18 days in filing of the FIR and it is a no injury case. The ingredients of Section 307 IPC have also not been examined while roping in the petitioner under the said offence. It is also not yet known as to who fired the shots while incorporating the offences under Section 25/27/29 of Arms Act. He has also asserted that the petitioner was not named in the FIR but later on, during the course of investigation, has been implicated on the basis of statement of the employees of the farm house.

(3) Notice of motion.

(4) On the asking of the Court, Mr. Chetan Sharma, AAG Haryana accepts notice. He has produced custody certificate dated 16.11.2022 which is taken on record. Learned State counsel, on instructions from SI Kishan Lal

states that the petitioner is behind the bars for the last 4 months 23 days and the trial is at the stage of framing of charges after the filing of challan.

(5) Keeping in view the totality of the facts and circumstances and since the conclusion of the trial is likely to take sufficient time and no fruitful purpose would be served by keeping the petitioner behind the bars and since challan has been filed and the petitioner is not required for further custodial interrogation who has already undergone 4 months and 23 days of incarceration and moreover, it is a no injury case and nothing has been attributed to the petitioner in the FIR, the prayer made in this petition is allowed and the petitioner is directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the trial Court/Illaq Magistrate, Jind.

(6) Disposed of.

17.11.2022
V.Vishal

(Sandeep Moudgil)
Judge

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes/No
Yes/No