

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

215

CRM-M-57792-2022 (O&M)

Date of Decision: 22.12.2022

VIKAS @ KALI MADAM

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. RS Dhaliwal, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.519 dated 28.08.2022, under Sections 120-B, 285 and 307 IPC and Section 25 of the Arms Act, registered at Police Station Ambala Cantt. District Ambala.

Learned counsel for the petitioner submits that the present case, is a case of no injury; that though the petitioner has specifically been named in the FIR, yet the fact remains that two boys came on a white colour activa and had fired two gunshots, who fled away from the spot shouting the name of Aman Sonkar and others; that co-accused, namely, Mukul, who has not been named in the FIR, has been granted the concession of bail and that the petitioner has been in custody since 29.08.2022.

Per contra, while opposing the prayer for grant of regular

bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that though no specific injury has been attributed to the petitioner yet the fact remains that he was the member of an unlawful assembly and is thus, equally liable. He further submits that the petitioner is a habitual offender as there are four other cases registered and/or pending against him, though he has either been acquitted or on bail and that post presentation of the challan, the prosecution evidence is yet to commence.

I have heard the learned counsel for the parties.

It is a case of no injury. The petitioner has been in custody since 29.08.2022. In other cases, the petitioner has either been acquitted or on bail. Co-accused has already been enlarged on bail. Prosecution evidence is yet to commence. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

22.12.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*