

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

209

**CRM-M-4253-2023 (O&M)
Date of decision: 20.03.2023**

Satpal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Aman Pal, Advocate for the petitioner.

Mr. Rohit Arya, DAG Haryana.

Mr. Arshdeep Bhullar, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this 2nd petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.207 dated 15.06.2021, registered under Sections 307, 323, 324, 325, 34 IPC and Section 25 of the Arms Act, at Police Station Israna, District Panipat. The earlier petition was dismissed as withdrawn on 15.03.2022.

The status report filed on behalf of the respondent-State is already on record.

Learned counsel for the petitioner submits that the complainant is nephew of the petitioner; that the petitioner has falsely been implicated in the present case; that though fire shot has been attributed to the petitioner but there is no fire arm injury on the person of the complainant and later on, it was also found that it was a toy gun; that in other cases, the petitioner is on bail and that the petitioner has been in custody since 21.06.2021

Learned State counsel, while vehemently opposing the prayer for bail, submits that the injury on the person of the complainant is on the vital part of the body and the petitioner is a habitual offender. However, he does not dispute the custody period of the petitioner. He submits that though the Doctor has been examined, but the material witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 21.06.2021. As alleged, there is no fire arm injury on the person of the complainant and later on, it was found that the gun stated to be used in the occurrence is a toy gun. The remaining prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. In other cases, the petitioner is on bail. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

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

(HARNARESH SINGH GILL)
JUDGE

20.03.2023

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No