

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

224

CRM-M-6578-2023 (O&M)
Date of decision: 27.07.2023

Aman @ Boxer

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. S.S. Nain, Advocate for the petitioner.

Mr. Rupinder Singh Jhand, Addl. AG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.55 dated 18.02.2020, registered under Sections 307 and 379-B IPC and Sections 25, 54 and 59 of the Arms Act, at Police Station Israna, District Panipat, the first one having being dismissed as withdrawn on 29.11.2022.

Additional status report by way of affidavit dated 26.07.2023 of the Deputy Superintendent of Police, Crime Against Women, Panipat, submitted by the learned State counsel in the Court, is taken on record.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR; that the petitioner has been in custody since 14.08.2020; that the petitioner has been indicted on the basis of disclosure statement of co-accused Sunil @ Bura, who has since already been granted

regular bail; that the complainant and the eye-witness, while appearing as prosecution witnesses before the learned trial Court, have not supported the prosecution version and turned hostile; that no weapon has been recovered from the petitioner; that as far as other nine cases are concerned, in two he has been acquitted and in two he has already undergone the sentence and in remaining cases, he is on bail and that only 08 out of 21 prosecution witnesses have been examined so far.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner has actively participated in the occurrence and gunshot injury on the leg of the complainant has been attributed to the petitioner. The petitioner is a habitual offender. However, he does not dispute the custody period of the petitioner. He submits that material witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 14.08.2020. Sunil @ Bura, on whose disclosure statement the petitioner was involved in the present case, has already been enlarged on bail. Remaining 13 prosecution witnesses are yet to be examined. The complainant and the eye-witness, while appearing as prosecution witnesses before the learned trial Court, have not supported the prosecution version and turned hostile. Therefore, the conclusion of the trial would take a long time. Out of other nine cases, in two the petitioner has been acquitted and in two he has undergone the sentence and he is on bail in remaining cases. 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

27.07.2023
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No