

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

**CRM-M-14455-2023
DECIDED ON: 27.03.2023**

MUKESH @ MONU

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Sandeep Saini, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail in FIR No.154, dated 20.03.2021, under Sections 307, 506, 34 of IPC, 1860 and Sections 25 & 27 of Arms Act, 1959, registered at Police Station Kundli, District Sonapat.

Learned counsel for the petitioner submits that it is a case of version and cross version, wherein no injury has been attributed to the petitioner, whereas he himself has suffered gun-shot injuries and Section 307 cannot be made out qua him. He further submits that the co-accused of the petitioner namely Parvesh @ Chooti has been granted the concession of regular bail vide order dated 22.03.2023 passed by this Court in CRM-M-13575-2023.

Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to the custody certificate, the petitioner is behind the bars for the last 1 years and 9 months. Custody

certificate also shows that the petitioner is involved in four other cases, out of which in two cases, he is not on bail. He further submits that recovery of one MT cartridge was effected from the possession of the petitioner, which shows his active role in the commissioning of the offence but cannot dispute the fact of no injury caused by the petitioner.

Considering the fact that it is a case of no injury and recovery of one MT cartridge is of no use, which can be taken against the petitioner for considering the case of regular bail at this stage. This Court is also obvious of the fact that the petitioner has already suffered incarceration of 1 year, 9 months and pendency of other cases is concerned, the counsel for the petitioner controvert the fact that he is on bail in all other four cases and it is a case of cross version, in which the petitioner himself has suffered gun-shot injuries, the petition deserves to be accepted. Hence, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

The present petition is, hereby, allowed.

However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

27.03.2023

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>