

**105+210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-16674-2023 in/and CRM-M-18797-2022
Date of decision: 25.05.2023

NEERAJ **...PETITIONER**
VERSUS
STATE OF HARYANA **...RESPONDENT**

CORAM: HON’BLE MR. JUSTICE VIVEK PURI
Present: Mr. Pratham Sethi, Advocate for the petitioner.
Mr. Ranvir Singh Arya, Addl. AG, Haryana.

VIVEK PURI,J. (ORAL
CRM-16674-2023

1. This is an application for placing on record testimonies of PW8-Vicky dated 10.02.2023 and the Ballistic report dated 30.07.2021 as Annexures P-11 and P-12.
2. CRM application is disposed of and Annexures P-11 and P-12 are taken on record, subject to all just exceptions.
3. Registry to tag the same at the appropriate place.

Main case

4. Custody certificate of the petitioner has been circulated today and the same is taken on record.
5. Neeraj-petitioner is seeking regular bail in the case bearing FIR No.529 dated 15.11.2020 under Sections 148/149/307 IPC and Section 25 of Arms Act, 1959, registered at Police Station Sadar Sonapat, District Sonapat.
6. Learned counsel for the petitioner contends that as per the allegations, the petitioner along with the co-accused had fired indiscriminately upon the complainant and his family members while they were present in the house. The complainant had sustained a bullet injury on his waist. It has been further submitted that the petitioner is in custody for a period of 02 years, 06 months and

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of trial has not supported the prosecution version and all the co-accused have been granted bail. Furthermore, as per the ballistic report, the shirt of the injured did not indicate any fire arm discharge residues/hole.

7. Learned State counsel has opposed the bail application on the score that the case of the petitioner cannot be termed to be at parity with the co-accused. Moreover, the ballistic report indicates that the cartridge cases recovered from the spot had matched with the countrymade pistol recovered from the petitioner. Out of 20, 09 witnesses have been examined.

8. It is significant to note that the petitioner is in custody for a period of 02 years, 06 months and 05 days and is not involved in any other case. The complainant/injured has not supported the prosecution version during the course of trial. No fire arm discharge residues/hole has been observed in the shirt of the injured. The evidentiary value of the ballistic report will be a debatable and moot point during the course of trial. 11 more witnesses still remain to be examined. The conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

9. Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

10. The petition is allowed accordingly.

25.05.2023
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(VIVEK PURI)
JUDGE