

CRM-M-19302-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19302-2023

Date of decision: 29.08.2023

Vijay

...Petitioner

Versus

Union Territory, Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Vivek Kathuria, Advocate,
for the petitioner.

Mr. A.M.Punchhi, Public Prosecutor, U.T. Chandigarh.

HARNARESH SINGH GILL, J. (ORAL)

1. Through this second petition (the first one having been dismissed on 30.11.2021), the petitioner seeks regular bail in case bearing FIR No.127 dated 20.10.2020, registered at Police Station Sector 11, Chandigarh, under Sections 307 and 34 IPC and Sections 25 and 27 of the Arms Act, and Sections 120-B and 216 IPC (added later on).

2. Learned counsel for the petitioner contends that though the petitioner had allegedly fired gun-shots causing injuries on the forehead and back side of left shoulder of the complainant, yet the fact remains that the petitioner has been in custody since 07.11.2020 and that out of 31 prosecution witnesses, only 11 witnesses have been examined till date. It is further submitted that the complainant while appearing before the trial Court as PW 3, stated that he made statement against SI Shiv Charan, during treatment that he had fired gun-shots at him (complainant), and that

CRM-M-19302-2023

SI Shiv Charan had been suspended on the said statement. So far as 17 other cases registered or pending against the petitioner, are concerned, he has been convicted in 09 cases whereas he has been acquitted in 04 cases and released on bail in remaining cases. It is further submitted that the co-accused has been released on bail.

3. On the other hand, learned Public Prosecutor, U.T. Chandigarh, while opposing the grant of bail to the petitioner, submits that specific gun-shot injuries on the person of the complainant have been attributed to the petitioner; that the complainant was hospitalized for 10 days; that as per the CCTV footage, the petitioner alongwith the co-accused entered the shop of the complainant at about 9.30 p.m, on 20.10.2020; that material prosecution witnesses are yet to be examined and that the petitioner, who is a habitual offender, has already been convicted in 09 other cases registered against him.

4. I have heard the learned counsel for the parties.

5. Though fire-arm injuries on the forehead and back side of left shoulder of the complainant, have been attributed to the petitioner, yet the fact remains that he has been in custody since 07.11.2020 and that out of 31 prosecution witnesses, only 11 witnesses have been examined till date. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

6. Furthermore, the co-accused has been released on bail. As stated above, out of 17 other cases registered or pending against the petitioner, he has been convicted in 09 cases whereas he has been acquitted in 04 cases and released on bail in remaining cases.

CRM-M-19302-2023

7. In view of the above, without commenting anything on the merits, 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 and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

29.08.2023
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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