

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

CRM-M-19601-2023
Date of Decision:-**27.04.2023**

RAJ KUMAR ALIAS BAHRA

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. Rishabh Chaudhary, Advocate for
Mr. Mohit Rathee, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

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KARAMJIT SINGH, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.58 dated 9.2.2021 registered under Sections 307, 120-B, 34 IPC and Section 25 of Arms Act, at Police Station Rai, District Sonipat.
2. The allegations in nut shell are that complainant-Amit reported to the police that on 9.2.2021 at 12:00 noon, he along with Vikas was going in a Pick-Up Mahindra and two persons on motorcycle were following them and the person sitting on the pillion seat of motorcycle fired shot

but the complainant saved by ducking himself. The complainant found that the said motorcycle which was following them belonged to his brother-in-law namely Jitender, who is husband of his sister and they were having matrimonial discord.

3. The counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the present case at the instance of the complainant and is incarcerated for the last 2 years and 2 months and that the trial is not progressing ahead. The counsel further submits that no one sustained injury at the time of occurrence and co-accused Jitender is already given benefit of regular bail by this Court vide order dated 6.2.2023 (Annexure P-2). So prayer is made that the petitioner be also enlarged on regular bail.
4. The instant petition is resisted by the State counsel, who submits that the petitioner was driving a motorcycle and co-accused Jitender was sitting on its pillion seat and said pillion rider fired shot with his pistol aiming towards the complainant but it missed the target. The State counsel further submits that both accused were arrested and recovery of one country made pistol was made from co-accused Jitender while registration certificate of the motorcycle was recovered from the present petitioner. However, the State counsel has not disputed the custody period of the petitioner and that co-accused Jitender is enlarged on bail vide Annexure P-2 and till date only 4 prosecution witnesses are examined out of total 14 witnesses.
5. I have considered the submissions made by counsel for the parties.

6. Admittedly this is a no injury case and recoveries are already effected and the petitioner is in custody for the last 2 years and 2 months and trial is not progressing ahead. Further main accused Jitender has been given concession of regular bail vide order dated 6.2.2023 (Annexure P-2).
7. In view of the above, as it will take time for the trial to conclude, so no purpose is going to be served by keeping the accused behind the bars for any longer period.
8. Thus, without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

27.04.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

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