

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

(204)

**CRM-M-20040 of 2023
DATE OF DECISION:-26.05.2023**

Sachin

...Petitioner

vs.

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

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

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. D.P.S. Bajwa, Advocate, for the complainant.

HARKESH MANUJA, J.

(1) By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of regular bail in case FIR No.44 dated 02.02.2022 under Sections 302, 120-B, 34 IPC and Section 25 of the Arms Act, 1959, registered at Police Station Uchana, District Jind, Haryana.

(2) Reply dated 25.05.2023 has been filed on behalf of respondent-State, the same is taken on record.

(3) As per allegations levelled against the petitioner, he along with two others fired shot at Sombir resulting into his death.

(4) Learned counsel for the petitioner submits that though the petitioner was named in the FIR, however, the other co-accused during investigation categorically stated that Sachin (petitioner herein) was not there along with them at the time of incident and the third accused was

Rohit @ Bachhi. He further submits that petitioner has already suffered

incarceration for a period of more than 1 year and the trial is likely to take some time.

(5) On the other hand, learned State counsel assisted by Mr. D.P.S.Bajwa, Advocate, representing the complainant, vehemently opposes the prayer made herein while submitting that petitioner was specifically named in the FIR.

(6) I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

(7) Though, the petitioner was named in the FIR, however, during investigation, it has been found that the third person who attacked the deceased was Rohit and not the petitioner. In the investigation, petitioner has been found as part of conspiracy to have supported other co-accused for which he has already suffered incarceration for a period of more than 1 year now; the investigation stands concluded with the filing of *challan* and the trial is likely to take time, besides, the petitioner being the first offender, I do not see any reason to extend his incarceration any further and the role of the petitioner shall be gone into during trial, thus, the petitioner deserves the concession of regular bail.

(8) Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

(9) Considering the fact that FIR in question was registered on 02.02.2022 and the *challan* was presented on 21.05.2022 and even after the expiry of almost one year, charges have not been framed so far, the

trial Court is requested to expedite the proceedings.

26.05.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable:

Yes/No