

CRM-M- 22277-2023 (O&M)

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 22277-2023 (O&M)
Date of Decision: 09.05.2023

Ishant

... *Petitioner*

V/s.

State of Haryana

... *Respondent*

CORAM: **HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present : Mr. Prashant Dhull, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

DEEPAK MANCHANDA, J.(Oral)

CRM-20090-2023

For the reasons mentioned, the application is allowed.

CRM-M- 22277-2023

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 29 dated 28.01.2022 under Sections 25 of Arms Act and Sections 285, 506 IPC (Section 285 deleted and Sections 307, 120-B IPC and Section 27 Arms Act were added later on) registered at Police Station Purani Sabzi Mandi, Rohtak, District Rohtak.

Learned counsel for the petitioner contends that the petitioner is in custody since 30.01.2022. He further contends that as per the FIR no injury has been attributed to the petitioner and the only allegation qua the

CRM-M- 22277-2023 (O&M)

-2-

petitioner is that he fired in the air from a country-made pistol and the same has already been recovered from the petitioner. He also submits that the investigation of the case is complete and the challan stands presented on 17.11.2022 and charges have been framed and none out of total 15 prosecution witnesses has been examined till date and co-accused namely Deepanshu alias Tinku have already been granted regular bail by the trial Court vide order dated 21.10.2022 (Annexure P-4) and the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from ASI Anil Kumar, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature and he is involved in other cases as well, however, he does not dispute the fact that the investigation is complete and the challan stands presented and the co-accused has been granted regular bail by the trial Court.

Confronted with the same, learned counsel for the petitioner submits that out of three cases, he is on bail in one case and has been acquitted from charges in the another case, whereas in the third case his bail was cancelled as he was in custody.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 30.01.2022.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, since the investigation is complete and the challan stands presented and co-accused has been granted interim bail and

the trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind bars.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

09.05.2023
seema

Whether speaking/reasoned	Yes
Whether Reportable	Yes /No