

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22884-2023
Date of Decision: May 11, 2023

ARVIND @ TYSON Petitioner
Versus
STATE OF HARYANA Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Yogesh Goel, Advocate for the petitioner.
Mr. Ramesh Kumar Ambavta, A.A.G., Haryana.
Mr. Ashish Yadav, Advocate for complainant.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition filed under Section 439 CrPC, prayer has been made for grant of bail in case FIR No.86 dated 15.03.2022 registered under sections 307, 216 and 506 & Sections 25/25A/27/54/59 of Arms Act at P.S. City Mahendergarh, District Mahendergarh.
2. As per the allegations levelled in the FIR, the petitioner gave a firearm injury on the waist of the complainant towards the right side.
3. In the present case, learned counsel for petitioner submits that investigation in the present case already stands concluded with the filing of challan followed by framing of charges on 30.10.2022, out of 26 prosecution witnesses none have been examined so far and thus the trial is likely to take some time. Learned counsel also submits that the petitioner is a young boy of 28 years of age with no past antecedents and the FIR in question is an off-shoot of some relationship between the petitioner and victim.

4. On the other hand, learned State counsel vehemently opposes the prayer made in the present petition while referring to serious nature of injury inflicted upon the person of victim, besides it, learned counsel for complainant has not opposed the prayer made in the present petition while submitting that the parties have in fact sorted out their differences.

5. 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.

6. Considering the fact that the petitioner is a young boy of 28 years of age and have already suffered incarceration for a period of one year and one month, besides the fact that the investigation already stands concluded with the filing of challan followed by framing of charges, however, no prosecution witness has been examined so far and thus undisputedly the trial is likely to take some time particularly when the complainant probably is not going to support the case of prosecution, I do not find any reason to extend the incarceration of the petitioner.

7. Without commenting upon merits of the present petition, the same is allowed. Petitioner is ordered to be released on bail subject to his furnishing of adequate bail bonds/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

11.05.2023

Tejwinder

(HARKESH MANUJA)
JUDGE