

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

225

CRM-M-27358-2023

Date of decision: 16.11.2023

Rahul Alias Bhukhad Alias Monu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sanjeev Majra, Advocate for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G., Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.296 dated 09.06.2022 under Section 307 of the IPC and Sections 25/54/59 of the Arms Act (Sections 120-B, 34 of the IPC added lateron) registered at Police Station Civil Line, District Sonipat.

2. Learned counsel for the petitioner has reiterated his submissions made on the last date of hearing that it was a case of no injury and the FIR in question had been registered against unknown persons who had come to the shop of the complainant with muffled faces and thereafter fired twice at him with a firearm, however, the fire had missed its target. Learned counsel submits that while stepping into the witness box, the complainant had failed to identify the accused which further lent credence to his false implication in the case in hand. It has been further submitted that after the petitioner was arrested on 17.06.2022, only 02 witnesses including the sole material witness in the case in hand i.e. the complainant out of the 26 cited, stand examined and hence, trial would take considerable time to conclude.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from SI Rakesh, has not disputed that it is a case of no injury coupled with the fact that the complainant while stepping into the witness box, had failed to identify the petitioner as being the person who had fired at him on the fateful day.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has been in custody since 17.06.2022 and as many as 24 prosecution witnesses remain to be examined. The trial is, therefore, unlikely to conclude in the near future. In the facts and circumstances as enumerated hereinabove particularly since the sole material witness in the case in hand i.e. the complainant, has failed to identify the petitioner during trial, further incarceration of the petitioner would serve no useful purpose. Therefore, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

16.11.2023

Vinay

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No