

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

CRM-M No.27908 of 2023
Date of decision: 8th August, 2023

Sahanwaj

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rahul Jaswal, Advocate for the petitioner.

Mr. Rahul Mohan, Sr. Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.860, dated 03.11.2022 under Sections 148, 149, 323, 379-B, 384, 427, 506 IPC and Section 25/54/59 of Arms Act, 1959 registered at Police Station Old Industrial Panipat, District Panipat.

2. Learned counsel for the petitioner, while drawing the attention of this Court to the allegations levelled in the FIR which has been annexed as Annexure P-1, submits that no doubt the petitioner was named therein, however, no specific role much less any injury was attributed to the petitioner in the occurrence in question. He further submits that since the investigation is complete and charges have also been framed, further incarceration of the petitioner would serve no useful purpose, more so, as prosecution evidence is yet to commence.

A prayer has therefore, been made for extending the concession of bail to the petitioner.

3. Per contra, learned State counsel, on instructions from ASI Shish Pal, has not disputed the submissions made by the counsel opposite qua there being no specific role, much less any injury, having been attributed to the petitioner in the crime in question. He, on further instructions, has informed the Court that the complainant stands examined and the next date of hearing fixed before the trial Court is 06.09.2023 when some more prosecution witnesses out of the 15 cited are likely to be examined.

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

5. The petitioner has been in custody since 19.12.2022 and only 1 prosecution witness i.e. the complainant, alleged eye-witness, stands examined. There is, thus, no likelihood of the trial concluding in the near future. In the facts and circumstances, as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

(MANJARI NEHRU KAUL)
JUDGE

August 8, 2023
rps

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