

CRM-M-29333-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29333-2022

Date of decision: 14.09.2023

BIJENDER

...Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. J.P.Jangu, Advocate,
for the petitioner.

Mr. Rupinder Singh Jhand, Addl. A. G. Haryana.

HARNARESH SINGH GILL, J. (ORAL)

1. Through this petition, the petitioner seeks regular bail in case FIR No.432 dated 24.09.2020, registered under Sections 307, 506 and 34 IPC; Section 25 of the Arms Act, 1959 and Sections 452 and 326 IPC (added later on), at Police Station Kharkhoda, District Sonipat.

2. Learned counsel for the petitioner contends that though the petitioner and co-accused, namely, Sobh Ram (still in custody) have been attributed gun-shot injuries on the abdomen of complainant-Sombir and on the thigh and right leg of Ravi, yet the fact remains that all the aforesaid injuries have been declared grievous in nature and that the petitioner has been in custody since 09.11.2020. It is further submitted that out of 31 prosecution witnesses, only 18 witnesses have been examined, and that co-accused, namely, Madan has since been granted the concession of anticipatory bail, vide order dated 07.01.2021 passed by learned Addl.

Sessions Judge, Sonipat. Out of four other cases registered or pending

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against the petitioner, he has been acquitted in two cases whereas after having confessed his guilt, he has been released on probation in one case and that he is now facing trial in one case.

3. On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner alongwith the co-accused had broken the door of house of the complainant and fired shots thrice at the complainant, his brother-Rajbir and cousin-Ravi; that specific injuries have been attributed to the petitioner; that even complainant-Sombir had received a gun-shot injury on his abdomen i.e. vital part; that material prosecution witnesses are yet to be examined and that the petitioner is a habitual offender.

4. I have heard the learned counsel for the parties.

5. Though the petitioner and co-accused, namely, Sobh Ram (still in custody) have been attributed gun-shot injuries on the abdomen of complainant-Sombir and on the thigh and right leg of Ravi, yet the fact remains that the petitioner has been in custody for the last more than 02 years and 10 months. Out of 31 prosecution witnesses, only 18 witnesses have been examined so far. Trial is unlikely to conclude any time soon. Co-accused, namely, Madan has since been granted the concession of anticipatory bail. As stated above, out of four other cases registered or pending against the petitioner, he has been acquitted in two cases whereas after having confessed his guilt, he has been released on probation in one case and that he is now facing trial in one case.

6. In view of the above, this Court finds that no useful purpose would be served by keeping the petitioner behind the bars. Without

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commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

14.09.2023
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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