

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

CRM-M-30751-2022
Date of Decision:-**06.02.2023**

JITENDER ALIAS NANHA

... Petitioner

Versus

STATE OF HARYANA

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Mohit Rathee, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

-.-

KARAMJIT SINGH, J. (Oral)

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.58 dated 9.2.2021 registered under Sections 307, 120-B, 34 IPC and Section 25 of Arms Act, at Police Station Rai District Sonipat.

The allegations in nut-shell are that complainant-Amit reported to the police that on 9.2.2021 at about 12 noon he along with Vikas was going in Pick-up Mahindra and 2 persons on motorcycle were following them and then the person who was sitting on the pillion seat of motorcycle fired pistol shot at him but the complainant saved by ducking himself. The

complainant found that the said motorcycle which was following them belonged to his brother-in-law Jitender, who is husband of the sister of the complainant and they are having matrimonial discord.

The counsel for the petitioner submits that the petitioner has been falsely implicated in the present case at the instance of the complainant and is languishing behind the bars since last 1 year and 11 months and after completion of investigation, challan stands presented but it will take considerable time for the trial to conclude as till date only 4 prosecution witnesses have been examined. The counsel further submits that no one sustained injuries at the time of occurrence, so prayer is made that the petitioner be granted regular bail.

The instant petition is contested by the State counsel, who submits that the petitioner fired shots at the time of occurrence and one of the shot hit the vehicle in which the complainant was travelling and trial is going on and complainant is yet to be examined. That during investigation the petitioner was arrested and one country made pistol was recovered at his instance and same was sent for examination to FSL along with the bullet recovered from the car and as per the report of FSL both of them have matched. However, the State counsel has not disputed the fact that the petitioner is in custody for the last 1 year and 11 months and till date only 4 prosecution witnesses out 14 prosecution witnesses are examined.

I have considered the submissions made by counsel for the parties.

Admittedly this is no injury case and the recovery has already been effected and the petitioner is in custody since last about 2 years and trial is not progressing as complainant is yet to be examined.

In the light of the above, as it will take time for the trial to conclude, so no purpose is going to be served by keeping the accused behind the bars for any longer period.

Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

06.02.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No