

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

CRM-M-31974-2023

Date of Decision: 02.08.2023

Pankaj Kumar

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Sandeep Yadav, Advocate
 for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.128 dated 30.04.2021 registered under Sections 307, 506 of IPC and Sections 25, 54, 59 of Arms Act, 1959 at Police Station Badli, District Jhajjar (Annexure P-1).

The FIR in the present case was registered on the basis of the statement made by Dalbir Singh son of Daya Kishan. As per him, about two days ago, Pankaj, accused had come in front of his motorcycle and he asked him to walk on proper side. On this, Pankaj replied that he was not carrying a pistol on that day, he would kill him on some other day. At about 11.15 am on 30.04.2021, the complainant alongwith Bhupender S/o Hans Raj were sitting near the Barbar shop and in the meantime, Pankaj son of Mamraj, accused came on a motorcycle and fired at the complainant with a country made pistol and the fire shot had hit on his right hand. After firing, Pankaj said that today, the

complainant was saved and he would kill him some other day. With these broad allegations, the FIR in the present case was registered against the present petitioner.

Learned counsel for the petitioner contends that the petitioner was arrested in the present case on 03.08.2021 and is in custody for the last about 02 years. He further contends that all material witnesses have already been examined by the learned trial Court and in all, six witnesses out of total 15 witnesses, have been examined so far. Thus, there are no chances of influencing the witnesses of the prosecution as only formal witnesses are yet to be examined by the learned trial Court.

On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner is the main accused and the weapon held by him was used in the commission of the crime. She further contends that three more cases have already been registered against the present petitioner and he does not deserve the concession of bail.

In reply to this, learned counsel for the petitioner submits that in one of the case under Section 307 IPC, the petitioner has been acquitted by the learned trial Court. He further contends that the injury suffered by the injured had been declared to be grievous in nature and was caused on a non-vital part of the body.

I have heard the learned counsel for the parties and perused the record.

It is not in dispute that the petitioner was arrested in the present case on 03.08.2021 and is in custody for the last about 02 years. It is well settled that the pendency of other cases against the present petitioner is no ground to reject the bail application of the petitioner, when the petitioner has been able to make out a case on the basis of the submissions made in the present bail application. Even otherwise, the petitioner is in custody for the last 02 years and the petitioner cannot be ordered to be confined indefinitely.

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

02.08.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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