

2023:PHHC:076765
CRM-M-36110 of 2022 [1]

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-36110 of 2022 (O&M)
Date of decision: 26th May, 2023

Kuldeep Singh @ Babbu

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sanjiv Gupta, Advocate for the petitioner.
Mr. Sharad Aggarwal, DAG, Haryana.

AVNEESH JHINGAN, J (Oral):

1. This is third petition seeking regular bail in FIR No. 188 dated 19.8.2020, under Sections 307, 201 IPC and Section 25 of the Arms Act, 1959 registered at Police Station Sadar, Tohana.
2. The brief facts are that FIR was registered at the instance of Ajaib Singh. It was stated that on 19.8.2020, the complainant was fired at by an unknown person riding a motor cycle. The complainant sustained injuries on the thigh. The petitioner was named by the complainant in his statement recorded under Section 161 Cr.P.C. on 30.8.2020. The petitioner was apprehended on 31.8.2020 and at his instance a pistol was recovered.
3. Learned counsel for the petitioner submits that the petitioner is in custody since 31.8.2020; the petitioner was not named in the FIR and the material witness i.e. injured has been examined. He further submits that the petitioner is not involved in any other case.
4. Learned counsel for the State opposes the prayer for grant of

bail and submits that the petitioner was specifically named by the complainant in his statement and a pistol was recovered at his instance. He further submits that the ballistic report supports the case of the prosecution. He fairly submits that out of fourteen prosecution witnesses, only four have been examined.

5. The observations made hereinafter shall not be construed as an expression of opinion on the merits of the case.

6. The petitioner is in custody since 31.8.2020; there is no decent progress in the trial; conclusion of trial is likely to take time. The petitioner was not named in the FIR; he has no criminal antecedents; the injury is on non vital part and no useful purpose would be served to deprive the personal liberty of the petitioner. The petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. The petition is allowed.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[AVNEESH JHINGAN]
JUDGE

26th May, 2023
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1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No