

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

**CRM-M-37124-2022 (O&M)
Date of decision: 27.01.2023**

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Ankit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Randeep S. Dhull, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.129 dated 18.05.2017, registered at Police Station Civil Lines, Bhiwani, District Bhiwani, under Sections 147, 149, 302 and 120-B IPC and Sections 25 and 30 of the Arms Act, 1959.

Learned counsel for the petitioner submits that though the petitioner was named in the FIR, but the allegations are that Charan Singh @ Dholu, Vinod @ Vinodi and the petitioner, were armed with the weapons and fired shots toward Sher Singh, brother-in-law of complainant-Balraj, out of which one bullet hit Sher Singh, due to which he died; that during investigation, Charan Singh @ Dholu was found to be innocent; that no specific injury has been attributed to the petitioner; that the petitioner has been in custody since 18.05.2017; that in one another case, the petitioner has been acquitted and that more than 10 prosecution witnesses are yet to be examined.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner was armed with *Doga* Rifle and inflicted injury on the person of Sher Singh, who succumbed to the injury. The petitioner was involved in one another case, therefore, he is not entitled for regular bail. However, she does not dispute the custody period of the petitioner. She submits that out of 34 prosecution witnesses, 21 have been examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 18.05.2017. The allegations of firing shots towards the deceased are against the petitioner and Vinod @ Vinodi, but there was only one injury on the person of the deceased. 13 prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. In another case, the petitioner has already been acquitted and as of now, there is no other case against the petitioner except the present case. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and custody period of the petitioner, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

27.01.2023
Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No