

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

**CRM-M-40717-2022 (O&M)
Date of decision: 03.02.2023**

Chain Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Ms. Tanushree Gupta, DAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this 3rd petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 115 dated 29.06.2020 registered under Sections 307, 379-B, 392, 398, 34 IPC and Section 25 of the Arms Act, 1959, at Police Station Dujana, District Jhajjar.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the injury entailing the offence 307 IPC has not been attributed to the petitioner; that the recovery of Aadhar Card and Voter ID Card has already been effected from the petitioner; that the complainant and eye-witness have been examined and the complainant has turned hostile; that co-accused Tarun @ Chhotu has already been granted regular bail by this Court vide order dated 09.09.2021; that the petitioner has been in custody since 11.03.2021 and that as far as other cases against the petitioner are concerned, he is on bail in those cases.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner has actively participated in the occurrence and he along with co-accused have snatched the purse of the complainant on gun point. The Aadhar Card and Voter ID Card were recovered from the petitioner. The petitioner is a habitual offender and is involved in three other cases. However, she does not dispute the custody period of the petitioner. She submits that 14 prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 11.03.2021. The injury under Section 307 IPC has not been attributed to the petitioner. The complainant has turned hostile. 14 prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Moreover, in other cases, the petitioner is on bail. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, 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

03.02.2023
Mangal Singh

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