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

**CRM-M-40801-2023**

**Date of Decision: 13.12.2023**

Shobhit

...Petitioner

vs.

State of Haryana

...Respondent

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

Present : Mr. Parshant Sethi, Advocate  
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

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**N.S.Shekhawat J. (Oral)**

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.06 dated 05.01.2023 registered under Sections 394/397 of IPC ( Added later on 307, 120-B, 34 of IPC and Section 25 of Arms Act), at Police Station Sarai Khawaja, District Faridabad.

2. Learned counsel for the petitioner contends that the petitioner has not been named in the FIR nor there is any averment in the FIR, which connects the petitioner with the commission of the alleged crime. As per him, co-accused Sohail Khan was arrested in some other case and his suffered a disclosure statement on 13.02.2023. The name of the petitioner was not disclosed, however in the second disclosure statement dated 16.02.2023, the petitioner was named as one of the accused, who had supplied the arm to Sohail Khan. He further contends that even as per the case of the prosecution, the petitioner was not present at the place of occurrence and had not participated in

the alleged incident. He further contends that the petitioner was wrongly arrested by the police on 26.03.2023 and is continuing in custody since then. He further contends that in the present case, the charge is yet to be framed against the present petitioner and the next date of hearing before the trial Court is fixed on 04.01.2024. As per learned counsel, there is no other case against the present petitioner and was never involved in any other criminal activity.

3. 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 had supplied the two country made pistols to the main accused Sohail Khan and does not deserve the concession of bail.

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

5. The petitioner is continuing in custody for the last about more than 08 months and charge is yet to be framed against him. Thus, the conclusion of the trial may take quite a long time. Apart from that, as per the prosecution itself, the petitioner had not participated in the alleged occurrence and there is no other case against him.

6. 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.

(N.S.SHEKHAWAT)  
JUDGE

13.12.2023  
hemlata

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