

CRM-M-44744-2022

-1-

215

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-44744-2022
Date of Decision: 05.07.2023

Devender Singh @ Sonu

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. R.S. Mamli, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

Mr. Ashit Malik, Advocate
for the complainant.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.413 dated 17.04.2022, under Sections 323, 307/34 IPC and Sections 25 & 27 of the Arms Act, registered at Police Station Shahabad, District Kurukshetra.

2. It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 18.04.2022, which is more than 1 year and 2 months. He further submitted that the investigation of the case has already been completed and the charges have also been framed by the learned trial Court and thereafter, one witness has been examined-in-chief. He also submitted that it is a case where as per the prosecution, the role of the

CRM-M-44744-2022

-2-

petitioner was that he was called later on and he was possessing a licenced double barrel gun of his uncle, namely, Charanjit Singh and so far as the injuries of the injured are concerned, it did not pertain to the aforesaid double barrel gun. He further submitted that the petitioner has been falsely implicated in the present case and he is having clean antecedents and is not involved in any other case, and therefore, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Vishal Kashyap, learned DAG, Haryana has stated that it is correct that the petitioner is in custody from more than 1 year and 2 months and now the trial is progressing. He further submitted that it is also correct that the petitioner is not involved any other case and is having clean antecedents. He has however submitted that since the petitioner was already present at the spot and had fired in the air, therefore, he is not entitled for the grant of regular bail.

4. Mr. Ashit Malik, Advocate has also caused appearance on behalf of the complainant and has opposed the grant of regular bail to the petitioner.

5. I have heard the learned counsels for the parties.

6. It is a case where the petitioner has already faced incarceration for a period of more than 1 year and 2 months and even as per the affidavit which has been filed by the respondent/State in the present case, it has been so stated that the gun which was used by the petitioner was a double barrel gun which was owned by his uncle and as per the learned counsel for the parties, the injuries sustained by the injured did not pertain to the aforesaid gun. The petitioner is stated to be not involved in any other case. The trial of

CRM-M-44744-2022

-3-

the case may take long time. Furthermore, it is neither the case of the State nor it has been argued by the learned State counsel that in case the petitioner is released on regular bail then he may abscond or flee from justice or may influence the witness or may tamper with the evidence.

7. Therefore, in view of the aforesaid facts and circumstances of the case, this Court deems it fit and proper to grant regular bail to the petitioner. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

05.07.2023
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

- | | |
|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |