

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

(203)

CRM-M-47097-2023

Date of Decision : September 22, 2023

Irfan**.. Petitioner****Versus****State of Haryana****.. Respondent****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Saifuddin Shams, Advocate, for the petitioner.

Mr. Harish Rathee, Sr. Deputy Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.190 dated 23.05.2020 registered under Sections 34, 186, 307 and 353 of the IPC, 1860 at Police Station City Sohna, District Gurugram.

2. Learned counsel for the petitioner submits that though Section 307 of the IPC has been invoked but no one has been injured and the said Section has only been invoked keeping in view the alleged intention of the petitioner and further allegations with regard to Section 353 of the IPC are yet to be proved as nothing has come on record except the disclosure statement of the petitioner that the petitioner was driving the vehicle in question.

3. Learned counsel for the petitioner further submits that the petitioner was also involved in a similar case but he has already been acquitted of the allegations alleged in the said case, hence, as the petitioner has already undergone more than eight months of the custody, he may kindly be extended the benefit of regular bail as the trial is likely to take some time before it concludes.

3. Notice of motion.

4. Mr. Harish Rathee, learned Sr. Deputy Advocate General, Haryana, who is present in the Court, accepts notice on behalf of the respondent-State.

5. Learned State counsel submits that the petitioner was declared as proclaimed offender in another FIR which was being faced by him though he has already been acquitted in the said FIR but intention of the petitioner that he can abscond in case the bail is granted in the present case, cannot be ruled out, hence, the prayer of the petitioner for the grant of regular bail may kindly be declined. Learned State counsel further submits that out of total 26 cited witnesses, only 7 witnesses have been examined so far.

6. I have heard learned counsel for the parties and have gone through the record with their able assistance.

7. Keeping in view the facts and circumstances of the present case that out of total 26 cited witnesses, only 7 witnesses have been examined so far and as the trial is likely to take some time before it concludes coupled with the fact that the allegations alleged against the petitioner are yet to be proved and there is no injury which has been inflicted upon the petitioner so as to invoke Section 307 of the IPC, no useful purpose will be achieved in keeping the petitioner behind the bars during the entire period of trial

especially when learned counsel for the petitioner has undertaken before this Court that in case the petitioner is granted the benefit of bail, he will not influence the trial or the witnesses in any manner and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

8. In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

9. However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

September 22, 2023

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No