

S. No.229

2023:PHHC:152333

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

CRM-M-49968 of 2023

Date of Decision:30.11.2023

Naseeb

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. S.S. Mor, Advocate for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

Mr. Aakash Dalal, Advocate for the complainant.

DEEPAK GUPTA, J. (Oral)

Status report along with custody certificate has been placed on record by learned State Counsel. Copy supplied. Mr. Aakash Dalal, Advocate has appeared for the complainant and Power of Attorney has also been filed on behalf of the complainant.

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.352 dated 02.09.2022 registered under Sections 307 IPC and Section 25, 27 of Arms Act, 1959 at Police Station Beri, District Jhajjar, Haryana.

Allegations are that on 01.09.2022 at about 10:00 PM, petitioner alighted from his truck and fired a bullet shot towards the complainant Anil, hitting him in chest.

Learned counsel for the petitioner contends that petitioner is in custody for the last more than one year; and that material witnesses, namely, Anil besides his wife Santosh and daughter Priya have already been examined. It is further contended that PW4 Ravinder alias Parvinder, who is alleged to be the eye

witness, has not supported the prosecution case. Besides, another witness, namely, Devender was given up by the prosecution having been won over by the accused.

Learned State Counsel along with counsel for the complainant has opposed by the bail petition by pointing out that petitioner is specifically attributed to have fired bullet shot upon the complainant and that complainant Anil as well as his wife and daughter, who were the eye witnesses have fully supported the prosecution case. It is further submitted that weapon was also recovered from the petitioner.

Heard.

It is conceded position that all the material witnesses have since been examined. As per the custody certificate, petitioner is in custody for the last 01 year 02 months 14 days. Though he is involved in one more case under Section 160 of the Railway Act but he is stated to be on bail in that case.

No purpose shall be served by keeping the petitioner detained as further trial may take time to conclude.

Having regard to the afore-said facts and circumstances, but without commenting anything on the merits of the case, present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned.

November 30, 2023
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No