

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.218

Case No. : CRM-M-58816-2022

Date of Decision : February 06, 2023

Sandeep

.... Petitioner

vs.

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Rajat Mor, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

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GURBIR SINGH, J. :

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.84 dated 15.02.2022, under Sections 307, 452, 34 IPC, 1860 and under Section 25 of the Arms Act, 1959 (Section 120-B IPC added later on), registered at Police Station IMT Rohtak, District Rohtak.

The FIR in question was registered on the statement of one Nitish, wherein it was stated that on 15.02.2022, he was present at his house. The petitioner, along with his two friends, came to his house and started abusing and scuffling with him. He took out pistol from his pocket and with intent to kill him, fired upon him and thereafter, along with two other boys, fled on motorcycle. His cousin got attracted by the noise made by him and called the police. Accordingly, the case was got registered.

Learned counsel for the petitioner states as per the MLR, only simple injury with blunt weapon was there. Opinion was sought from the concerned doctor, who opined on 09.05.2022 that possibility of the injury with a fire arm weapon could not be ruled out. In the FIR, there is no mention about the seat of the injury. Learned counsel further submits that the petitioner is in custody since 13.04.2022. The completion of trial will take long time. Therefore, the petitioner be granted concession of regular bail.

Learned State Counsel has opposed the prayer made by learned counsel for the petitioner, submitting that there are also other cases registered against the petitioner. However, he does not deny the fact that the petitioner is in custody since 13.04.2022.

Heard.

In this case, as per the MLR, injury is simple with blunt weapon. However, later on, doctor opined that possibility of the injury with a fire arm weapon could not be ruled out. In the FIR, there is no mention about the seat of the injury.

Learned State counsel, on asking, replies that it is not mentioned in the Status Report as to on which document, the said opinion was given.

Learned counsel has placed reliance on a judgment of Hon'ble Supreme Court in **Prabhakar Tewari vs. State of UP and another – 2020 CrI.L.R. (SC) 472**, wherein it has been held that the offence alleged therein was no doubt grave and serious and there were several criminal cases

pending against the accused but these factors by themselves cannot be the

basis for refusal of prayer for bail.

In the case in hand, the co-accused of the petitioner has already been granted bail.

Keeping in view the fact that the petitioner is in custody since 13.04.2022, the co-accused of the petitioner has already been granted bail and the completion of trial will also take a long time, no useful purpose would be served by keeping the petitioner behind bars for a long period.

Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate, Rohtak.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

February 06, 2023
monika

(GURBIR SINGH)
JUDGE

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