

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

CRM-M-59889-2023

Decided on:-05.12.2023

Ajay

....Petitioner..

vs.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Parvesh Jaglan, Advocate for the petitioner.

Mr. Krishan K. Chahal, Addl. A.G., Haryana.

HARKESH MANUJA J. (Oral)

1. By way of petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail pending trial, in case FIR No.362 dated 10.09.2022, registered under Sections 148, 149, 307, 341, 506 IPC and Section 25 of the Arms Act, 1959 (Section 34 IPC deleted and Section 120-B IPC added later on) at Police Station Narwana City, District Jind.

2. In the present case, the petitioner has been implicated with the allegations of having given fire arm injury to the victim namely, Rammehar.

3. The prayer made herein has been opposed at the instance of learned State counsel while referring to the antecedents of the petitioner, who is allegedly involved in three other cases as well. He further submits that the petitioner is the main accused, as he gave fire arm injury on the person of victim.

4. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the

petitioner.

5. Perusal of Annexure P-3 (deposition of complainant/injured while appearing before the Trial Court as PW-3) shows that he turned hostile and did not even identify the petitioner. In addition, the petitioner has already suffered incarceration for more than 1 year and 2 months and the trial is likely to take some time, as out of total 17 prosecution witnesses, only 06 have been examined. Thus, I do not find any reason to extend the incarceration of the petitioner any further.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

7. It is made clear that this order may not be construed as expression of an opinion on the merits of the case.

05.12.2023
sonika

(HARKESH MANUJA)
JUDGE

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