

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1249-2024

Date of decision:- 18.01.2024

UMESH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Randeep Singh Dhull, Advocate, for the petitioner.

Mr. G.S. Dhillon, AAG, Haryana

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in FIR No.41, dated 15.02.2014, under Sections 302, 120-B, 34 IPC and Section 25 of Arms Act, 1959, registered at Police Station Beri, District Jhajjar.

Learned counsel for the petitioner contends that the allegation against the petitioner is that he along-with his co-accused fired a shot on the son of the complainant. He further contends that the petitioner was found innocent by the investigating agency and was kept in column No.2 of the challan. It is submitted on behalf of the petitioner that the complainant Ved Singh has failed to identify the petitioner. It is further submitted that out of total 23 prosecution witnesses only five have been examined so far.

Learned State counsel has filed the custody certificate of the petitioner, which is taken on record, according to which, the petitioner is behind bars for the last 1 year, 1 month and 27 days and is also involved in various other cases. He has opposed the prayer made in the present petition

stating that the petitioner gave firearm injuries on the son of the complainant.

Keeping in view the admitted position, as has been revealed during the course of trial that the complainant has failed to identify the petitioner and added with the fact that the trial is moving at snail's pace, as out of total 23 prosecution witnesses only five have been examined and the petitioner has suffered incarceration for a period of 1 year, 1 month and 27 days, this petition deserves to be considered liberally in the light of the fact that the trial will take certainly long time and for that reasons the petitioner can not be detained for an indefinite period, which infringes his right to life and liberty.

As far as pendency of other case is concerned, this Court in various judgments has already observed that pendency of other FIRs involving the accused-petitioner cannot be a predicament to consider the case for anticipatory bail or regular bail, as the evidence of the material involved in those FIRs can be treated in those cases alone and is not material for the instant FIR.

In view of the aforesaid discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

18.01.2024
Sham/ramandeep singh

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No