

219 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1574-2024
Decided on:-23.01.2024

Rakesh @ RockyPetitioner..

vs.

State of HaryanaRespondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Deepak Girotra, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

HARKESH MANUJA J. (Oral)

1. By way of present 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 bearing FIR No.295, dated 06.08.2022, registered under Sections 307, 506 IPC and Sections 25, 29 of the Arms Act, 1959 (Section 326 IPC added later on), at Police Station Rohtak Sadar, District Rohtak.
2. The petitioner has been implicated in the present case with the allegations of having fired shots on the injured/complainant.
3. On the other hand, prayer made herein has been opposed at the instance of learned State counsel while submitting that the weapon used in the commission of offence besides receipt of injury clearly show that the intent of the petitioner was to kill the injured/complainant and thus, he does not deserve the concession of bail.
4. I have heard learned counsel for the parties and gone through

the paper book and find substance in the submissions made on behalf of the petitioner.

5. In the present case, the petitioner has already suffered incarceration for a period of 01 year, 05 months & 09 days. Although the investigation stands concluded with the filing of challan on 07.11.2022, however, even after the expiry of more than 01 year & 02 months, the charges have not been framed yet by the Court concerned.

6. I have gone through the zimni orders and perusal thereof show that on two of the occasions, the petitioner was not even produced before the Court by the Jail Authorities and the matter is being adjourned for addressing arguments on charges. Perusal of medical record shows that the injured-complainant was discharged from the Hospital on the very next date.

7. Considering the aforementioned facts and circumstances, wherein the trial has not yet commenced and the custody period of the petitioner particularly, when he is not involved in any other criminal activity, I do not find any reason to extend the incarceration of the petitioner any further.

8. 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 Trial Court/Duty Magistrate.

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

23.01.2024
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(HARKESH MANUJA)
JUDGE

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