

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

223

CRM-M No.2201 of 2024
Date of Decision: 31.01.2024

MANOJ
Vs
STATE OF HARYANA

.....Petitioner
....Respondent

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Balraj Gujjar, Advocate for the petitioner.
Mr. Rajiv Sidhu, D.A.G., Haryana.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail to the petitioner in case bearing FIR No.175 dated 24.06.2023 registered under Sections 120-B/307/34 IPC and Sections 25 & 25(1) A of Arms Act, 1959 at Police Station Chhainsa, Faridabad Distt. Faridabad, Haryana.
2. Learned counsel for the petitioner submits that the petitioner has been implicated with the allegation of having fired shot at the complainant which hit on his back.
3. The prayer made on behalf of the petitioner has been opposed by learned State counsel while submitting that a country made pistol along with an empty cartridge has been recovered from the petitioner. As per FSL report, the same matches with residue found on the T-Shirt of the victim and besides the petitioner being visible carrying the fire arm in the CCTV footage of the alleged incident.

4. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made by learned counsel for the petitioner.
5. In the present case, the petitioner is already behind the bars for a period of more than 07 months and now investigation already stands concluded with the filing of challan followed by framing of charges. None of the prosecution witness out of 18 witnesses have been examined so far, thus, the trial is likely to take some time in its culmination. Moreover, as per records so far, no definite and conclusive opinion has been given by the Doctors as regards the injury suffered by the complainant/victim to be from the gun shot. The other co-accused namely Joginder Kumar has already been granted concession of regular bail by this Court vide order dated 11.12.2023 passed in CRM-M No.61176 of 2023. The evidence in the shape of FSL report as well as CCTV footage requires to be considered at the stage of trial.
6. Considering the fact that the petitioner has already suffered incarceration for a period of 07 months, I do not find any justification to extend the incarceration of the petitioner.
7. Accordingly, without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

January 31, 2024
Atik

(HARKESH MANUJA)
JUDGE

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