

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

217

CRM-M No.10350 of 2024
Date of Decision: 15.04.2024

SANJAY @ SANJUPetitioner

Vs
STATE OF HARYANARespondent

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

Present: Mr. Suraj Bhan Panchal, Advocate
for the petitioner.

Mr. Chetan Sharma, D.A.G., Haryana.

Mr. Gourav Jain, Advocate
for the respondent.

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.441 dated 11.08.2023 registered under Sections 307, 120-B IPC read with Section 34 IPC and Section 25 of Arms Act, 1959 at police Station City Tohana, District Fatehabad.
2. Learned counsel for the petitioner submits that the petitioner has been implicated with the allegations of being a driver of motor cycle wherein the co-accused Kuldeep @ Deepu was pillion rider and fired shot at the complainant while he was standing outside his vehicle.
3. The prayer made on behalf of the petitioner has been opposed by learned State counsel by referring to the antecedents of the petitioner, who is stated to be involved in three more cases; two involving under Arms Act and the third

one involving Section 338/337 IPC. Learned State counsel also informs that empty cartridges recovered from the site even matched with the weapon recovered from the petitioner.

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 investigation has already been concluded with the filing of challan. Petitioner is behind the bars for more than 07 months and the trial is yet to commence. Moreover, the pendency of three cases against the petitioner cannot be taken to be ground to deny the bail in his favour especially when he is on bail in the aforementioned three cases. With the conclusion of investigation, nothing remains to be recovered from the petitioner and, thus, I do not see any reason to extend the incarceration of the petitioner.

6. 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.

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

April 15, 2024
Atik

(HARKESH MANUJA)
JUDGE

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