

2024.PHHC.068185



224 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17965-2024
Decided on:-15.05.2024

KadirPetitioner..

VS.

State of HaryanaRespondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vikas Gulia, Advocate,
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

Mr. Vishal Yadav, Advocate,
for the complainant.

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.25 dated 21.01.2024, registered under Sections 307, 34 IPC and Section 25 of the Arms Act, 1959, at Police Station Tehsil Camp, District Panipat, wherein the petitioner has been implicated with the allegations of having fired gun shot upon the complainant, which instead of hitting him went through the front door of the house.

2. The prayer made herein has been vehemently opposed at the instance of learned State counsel while referring to the antecedents of the petitioner, who is stated to be involved in five more cases, though acquitted

in two, whereas in remaining three cases, trial is pending and thus, he does not deserve the concession of regular bail.

3. 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 petitioners.

4. Present is a case of no injury and investigation already stands concluded with the filing of challan. The petitioner is behind the bars for the past 3½ months and the trial is likely to take some time. Moreover, the complainant has even given an affidavit in favour of the petitioner in pursuance of some kind of settlement arrived at between the parties, thus, in such circumstances, it is not expected that he would even supports the case of prosecution.

5. Thus, considering the aforesaid facts, I do not find any justification 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 Trial Court/Duty Magistrate.

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

15.05.2024
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(HARKESH MANUJA)
JUDGE

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