



CRM-M No.23078-2024 1

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

CRM-M No.23078-2024 (O&M)
Date of Decision: 16.12.2024

Jagdish

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**Present:** Mr. Ankush Verma, Advocate for the petitioner.

Mr. Naveen S. Panwar, DAG, Haryana.

MAHABIR SINGH SINDHU, J.

Present second petition has been filed, under Section 439 of the Code of Criminal Procedure, 1973 for seeking bail pending trial in FIR No. 472 dated 26.09.2018, under Sections 323, 307, 341, 379 read with Section 34 of Indian Penal Code, 1860 (for short 'IPC'), and Section 25 of Arms Act, 1959 (Section 201 IPC and Section 27 of Arms Act were added later on) registered at Police Station Urban Estate Rohtak, District Rohtak.

2. Allegations are that petitioner along with co-accused in furtherance of their common intention wrongfully restrained complainant-Sanjeev Yadav; fired three shots with an intention to kill him and also took away his mobile phone while leaving the spot.

3. Contends that this is “no injury” case. Further contends that petitioner was arrested in the present case on 25.11.2022 and after remaining in custody for about 01 years and 06 months, was granted interim bail by this Court on 14.05.2024. Also contends that in pursuance of the aforesaid order, he is regularly appearing before learned trial Court and there has been



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no progress of trial except examination of only four prosecution witnesses. Again contends that there is no allegation that petitioner is likely to misuse the concession or hamper the proceedings in any manner.

4. *Per contra*, learned State Counsel, on instructions from quarter concerned, has fairly conceded the above factual position and submits that petitioner is regularly appearing before learned trial Court. Also acknowledged that petitioner has not misused the concession of interim bail granted by this Court on 14.05.2024.

5. Heard learned counsel for both the sides and perused the paper book.

6. This Court granted interim bail to the petitioner on 14.05.2024 in the following manner:-

“Contends that petitioner is in custody since 25.11.2022 and this is no injury case. Also contends that apart from the present case, petitioner is facing only one another case.

Learned State counsel seeks time to have instructions in the matter.

Posted for 13.08.2024.

In the meanwhile, petitioner be released on interim bail in the present case, till the next date of hearing, on furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

7. Learned State counsel has duly acknowledged that petitioner is regularly appearing before learned trial Court and there is no allegation that in case, interim bail is made absolute, he is likely to misuse the concession or hamper the proceedings in any manner. Only four prosecution witnesses have been examined after grant of interim bail to petitioner and as such there has been virtually no progress of trial. In such a scenario, sending the petitioner to custody at this stage would not serve any purpose.

8. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 14.05.2024, is made absolute. He shall be

admitted to bail on furnishing bail/surety bonds to the satisfaction of learned



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trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Petitioner shall appear on each & every date of hearing and to fully co-operate with learned trial Court without seeking any unnecessary adjournment(s).
10. The above observations be not construed as an expression of opinion on the merits of the case.
11. It is clarified that in case there is any misuse of concession by the petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

16.12.2024
Rajeev (rvs)

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No