



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

229+114

CRM-M No.29910 of 2024 (O & M)

Date of decision : 3.7.2024

Sanjay @ Sanjay Saini

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Rishav Jain, Advocate and
Mr. Kanish Jindal, Advocate, for the petitioner

Mr. Chetan Sharma, DAG, Haryana

SANDEEP MOUDGIL, J (ORAL)**CRM No.25855 of 2024**

This application has been filed under Section 482 Cr.P.C. for placing on record copies of the Statements of Chaman Lal, Ranjeet and disclosure statement of Sanjay as Annexures P-2 to P-4 respectively. Exemption from filing certified copies thereof has also been prayed.

For the reasons mentioned in the application, the same is allowed. Annexures P-2 to P-4 are taken on record and exemption is granted from filing certified copies thereof.

CRM-M No.29910 of 2024

This petition under section 439 Cr.P.C. has been filed for grant of regular bail to the petitioner in case FIR No.2 dated 1.1.2024, under Sections 25 (1)A and 27 of Arms Act, 1959, Sections 148, 149, 323, 341



of IPC (Sections 148 and 149 IPC were deleted and Sections 325, 307 and 34 IPC were added lateron), registered at Police Station Gadpuri, District Palwal.

2. Learned counsel for the petitioner contends that the petitioner is not named in the FIR. The only allegation against the present petitioner is that he had given a wooden stick blow on the leg of the injured. It is further argued on his behalf that in any case provisions under the Arms Act would not come for against the petitioner and the injury attributed on the leg is simple in nature, and as such Section 325 IPC will not be attributed against the petitioner in the FIR.

3. Learned State counsel has produced the custody certificate reflecting the petitioner already suffered incarceration of 4 months and 14 days. In addition to that it is stated that a country made pistol was recovered from the petitioner but could not corroborate the said recovery and the injuries attributed to the present petitioner. Hence, the same cannot be accepted for the purpose of considering the present petitioner for grant of regular bail, wherein charges are yet to be framed in a case where 21 prosecution witnesses are yet to be recorded.

4. Having gone through the contents of the FIR as well as the statements made by learned counsel for the petitioner and the learned State Counsel, the custody period undergone by the petitioner who is involved in one other case, though is on bail, meaning thereby he is not a habitual offender, added with the fact that he is attributed the injury which is simple in nature, and as per the principle of the criminal jurisprudence,

no one should be considered as guilty till the guilt is proved beyond



reasonable doubt, whereas in the instant case, trial is prolonged and likely to take long time in the light of the fact that 21 prosecution witnesses are to be examined and charges are yet to be framed and detaining the petitioner behind the bars for an indefinite period would amount to violation of Article 21 of the Constitution of India and is against the principle “Bail is a rule, jail is an exception” as elucidated in the judgment of Apex Court in **“Dataram Singh vs. State of Uttar Pradesh and another, (2018) 3 SCC 22”**.

5. In view of the aforesaid discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

6. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

7. The petition stands allowed

(SANDEEP MOUDGIL)
JUDGE

3.7.2024
Ashwani

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