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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-47002 of 2023

Date of decision:- 19.01.2024

PARVEEN

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Ms. Gurmeet Kaur, Advocate
for the petitioner.

Mr. Vishal Malik, DAG, Haryana.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
793	15.12.2022	307 IPC and 25 of Arms Act (395, 397, 120-B IPC added lateron)	Gharaunda, District Karnal

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case.

The petitioner was not named in the FIR and his name surfaces on the

disclosure statement made by co-accused Narender @ Monu. He submits that the only attribution to the petitioner is that he was driving the motor-cycle on which the co-accused Narender @ Monu was pillion rider and had fired gun shot and the said weapon has already been recovered in another FIR No. 34 of 2023 Police Station Samalkha, District Panipat. Apart from being the driver of the motor-cycle in question no specific overt act has been attributed to the petitioner. He submits that no recovery is to be effected from the petitioner and no other criminal case is registered against him. He submits that petitioner is in custody since 06.05.2023, charges have already been framed and out of 22 witnesses cited by the prosecution none of the witness has been examined yet, as such he prays for grant of concession of bail to the petitioner.

3. Learned State counsel has filed reply by way of affidavit dated 16.10.2023 of Deputy Superintendent of Police, Assandh, District Karnal and opposed the bail petition by arguing that considering the nature and gravity of the offence petitioner does not deserve concession of bail. However, learned State counsel has not disputed the fact that there is no other case pending against the petitioner and out of 22 witnesses cited by the prosecution none of the witnesses has been examined till date.

4. After considering the rival contentions and perusing the record, it transpires that petitioner is in custody since 06.05.2023. Challan has already been presented in Court and admittedly out of the 22 witnesses cited by the prosecution none of the witness has been examined till date. There is no other criminal case registered against the petitioner. Co-accused Kamal has already been granted concession of bail vide order dated 14.06.2023

passed by learned Additional Sessions Judge, Karnal (Annexure P-2). The conclusion of trial to ascertain criminal liability, if any, on the petitioner will take sufficient long time and no useful purpose would be served by keeping the petitioner behind bars any longer.

5. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

19.01.2024

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No