

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

208

CRM-M No. 49647 of 2023
Date of Decision: 05.02.2024

Amit

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ajay Ghanghas, Advocate and
Mr. Ankit Singla, Advocate for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J.(ORAL)

1. This is the first petition filed under Section 439 of Cr.P.C. seeking grant of regular bail to the petitioner in the case bearing FIR No. 460 dated 24.07.2023 registered under Sections 148, 149, 160, 285, 307, 323, 325, 336, 285, 379-A, 34 IPC and Sections 25, 54 and 59 of Arms Act at Police Station City Ballabgarh, District Faridabad.

2. Reply by way of affidavit of Mr. Aman Yadav, HPS, Assistant Commissioner of Police, Crime, Faridabad on behalf of respondent-State of Haryana has been filed and the same is taken on record.

3. The present FIR was lodged on the allegations that on 24.07.2023, the police party heard gunshot from the parking area situated in the back side of bus stand. The police party headed by the complainant reached at the spot and found many youngsters were carrying sharp edged weapons and fire arm weapons and there was firing in the air to create terror

apprehended 3 persons who disclosed their names as Bhupendra, Sagar and Amit-petitioner herein and after recording the disclosure statements, respective weapons from their possession were recovered.

4. Learned counsel for the petitioner *inter alia* contends that no specific injury or role has been attributed to the petitioner. The investigating officer has invoked the provision of Section 307 of Indian Penal Code only to aggravate the offence and make it non-bailable. The petitioner is alleged to have been arrested at the spot and one sharp edged weapon iron *gandasa* was recovered. The petitioner is not involved in any other case.

5. Per contra, learned State counsel opposes the prayer of grant of regular bail to the petitioner on the ground that petitioner was arrested at the spot by the police party and his active participation in the alleged incident is fully established.

6. Having heard the learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since 24.07.2023. The Investigating Agency has completed the investigation and submitted the final report under Section 173 of Cr.P.C. on 19.09.2023. Culpability, if any, would be determined at the time of the trial. Trial of the case is likely to take long time to conclude as none out of 18 prosecution witnesses, has been examined so far. So further incarceration of the petitioner without there being the prospect of the conclusion of the trial in the near future, would be violative of Article 21 of the Constitution of India.

7. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the present petition is allowed and the petitioner- Amit is ordered to be released on regular bail during trial on

Magistrate/Trial Court.

8. Nothing observed hereinabove shall be construed as an expression of opinion of this Court on the merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

05.02.2024

(HARPREET SINGH BRAR)

Rajeev (rvs)

JUDGE

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