

S. No.207

2024:PHHC:057204

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

CRM-M-65045 of 2023

Date of Decision:26.04.2024

Ankit

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Vibhor Bansal, Advocate for the petitioner.
Mr. Randhir Singh, Addl. AG, Haryana.

DEEPAK GUPTA, J. (Oral)

Status report by way of affidavit of Shri Dinesh Kumar, HPS, Deputy Superintendent of Police, Palwal, District Palwal has been filed on behalf of the respondent- State, along with the custody certificate.

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.147 dated 27.02.2019 registered under Sections 307, 120-B, 34 IPC and Section 25 of Arms Act, 1959 (wherein the petitioner has been charged under Section 307 IPC) at Police Station Camp Palwal, District Palwal, Haryana.

As per allegations, in an occurrence which took place on 26.02.2019, petitioner fired a shot from his pistol towards the left side of the chest of complainant – Dharamwati.

Learned counsel for the petitioner contends that all other co-accused involved in the case have already been allowed bail; that the petitioner is in custody for the last more than four years and that not even a single witness has been examined so far.

Learned State Counsel has opposed the bail petition on two grounds.

He contends that it is the petitioner, who has been specifically attributed to have

fired shot at the complainant. Further learned State Counsel has drawn attention towards the custody certificate to point out towards the criminal antecedents inasmuch the petitioner is involved in as many as 13 cases, as per the custody certificate.

However, learned counsel for the petitioner submits that out of 13 cases, he has been acquitted in five cases and has been granted bail in three other cases.

Be that as it may, the perusal of the status report as filed by the respondent – State, would reveal that although the charges were framed wayback on 25.10.2021 by the trial Court under Section 307/34 IPC but not even a single witness has been examined so far. The trial appears to be held up because of the absence of one of the accused Raju, who is running absent.

The custody certificate also reveals that the petitioner is in custody for the last 04 years 05 months and 27 days.

Having regard to all the afore-said facts and circumstances, particularly the long incarceration of the petitioner in custody and the fact that trial is not proceeding further, but without commenting anything further on the merits of the case, the present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate, on usual terms and conditions.

April 26, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No