

CRM-M-60080-2024

**227 IN THE PUNJAB AND HARYANA HIGH COURT
AT CHANDIGARH**CRM-M-60080-2024
Decided on:04.04.2025

Shubham @ Kala

.... Petitioner

versus

State of Haryana

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRAPresent: Mr. G.S.Sandhu, Advocate
for the petitioner.

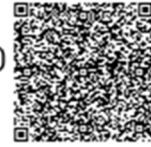
Mr. Sheenu Sura, DAG, Haryana.

Manisha Batra, J. (Oral)

This is the first petition filed under Section 439 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case arising out of FIR No.67 dated 28.02.2024 registered under Sections 307, 34, 120-B IPC and 25 of Arms Act at Police Station Bahalgarh District Sonipat.

2. As per the allegations, on 28.02.2024, complainant Balram along with his son Saurab was going towards his fields on a motorbike. On reaching there, he alighted from the vehicle and asked his son to park the motorbike. In the meanwhile, the petitioner accompanied by two other unknown youths reached there. One of them was having a pistol and while pointing the same towards his son Saurabh, he fired a shot upon him. His son had a narrow escape. On clamour being raised by them, the assailants fled away while extending threats to the complainant and his son. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 29.03.2024. The investigation now stands concluded.

3. It is argued by learned counsel for the petitioner that the petitioner



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has been falsely implicated in this case. A false recovery has been planted upon him. No injury had been sustained by anyone in the alleged incident. The trial would take considerable time. His further incarceration would not serve any useful purpose. He is on bail in other cases as registered against him. With these broad submissions, it is urged that he be released on bail.

4. Custody certificate of the petitioner filed by the respondent-State is taken on record. It is argued by the learned State counsel that the petitioner is a habitual offender since five more cases have been registered against him. There are chances of his absconding, committing similar offences or intimidating the witnesses if released on bail. Therefore, it is urged that he does not deserve to be given the benefit of bail.

5. Rival contentions raised by both the sides have been given due consideration.

6. The petitioner is in custody since 29.03.2024. He is on bail in other cases as registered against him. Even otherwise, his involvement in some other criminal cases cannot be a reason for denying the benefit of bail to him. The investigation stands concluded. The trial would obviously take time as none of the prosecution witnesses has been examined so far.

7. In view of the above discussed facts but without meaning to make any comment on the merits of the case lest the same prejudice the trial, the petition is allowed, and the petitioner is ordered to be released on bail subject to his furnishing personal as well as surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

04.04.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/non-speaking?
Whether reportable?

Yes/No
Yes/No