

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

CRM-M-16824 of 2015

Date of decision : 13.07.2015

Narender alias Dhillu

..... Petitioner

Versus

The State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE DARSHAN SINGH

1. Whether Reporters of the local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Vikas P. Singh, Advocate for petitioner.

Mr. R.S. Doon, AAG, Haryana.

DARSHAN SINGH, J. (Oral)

The present petition has been filed by petitioner Narender alias Dhillu under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.285 dated 02.07.2014, under Sections 392, 307, 420 of the Indian Penal Code, 1860 (here-in-after called the 'IPC') and Section 25 of Arms Act, registered at Police Station Tosham.

2. As per the prosecution allegations, on 01.07.2014 at about 09:07 P.M., the present petitioner along with his co-accused in a Maruti Swift car went to the petrol pump where the complainant was employed

and got filled the petrol for Rs.1000/-. When they were asked to make the payment, co-accused Navdeep Baganwala fired a shot at the complainant, but the said fire did not hit him. The present petitioner was arrested in this case on 11.07.2014. Since then he is in custody.

3. Learned counsel for the petitioner contended that all the private witnesses have not supported the prosecution version. They have not identified the petitioner. He further contended that no incriminating article has been recovered from his possession. He is in custody for the last about one year.

4. Learned State counsel could not dispute the aforesaid factual position. However, he pleaded that the petitioner was involved in one more criminal case.

5. The aforesaid contentions have been duly considered.

6. It has not been disputed that the complainant and witnesses of the occurrence have not supported the prosecution case. They have not identified the petitioner to be the assailant. Moreover, even as per the prosecution allegations, the fire is attributed to Navdeep Baganwala, the co-accused. No recovery of any incriminating article has been effected from the possession of the petitioner. He is in custody for the last about one year. The conclusion of trial will take time as many witnesses are yet to be examined. Thus, the detention of the petitioner will not serve any purpose.

7. Consequently, keeping in view my aforesaid discussion and without further mentioning anything on the merits of the case, the

present petition is hereby allowed and petitioner Narender alias Dhillu is ordered to be released on bail on furnishing personal/ surety bonds to the satisfaction of learned trial Court.

13.07.2015

sunil yadav

**(DARSHAN SINGH)
JUDGE**