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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-42733 of 2015

Date of decision: December 24, 2015

Gyanender @ Gyanu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Neeraj Kumar, Advocate
for the petitioner.

Ms. Mahima, AAG Haryana.

SABINA, J

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 ('Cr. P.C.' for short) seeking regular bail in FIR No.39 dated 20.02.2013, under Sections 148, 149, 302, 420, 120-B of Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959, registered at Police Station Sampla, Rohtak, District Rohtak.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 26.08.2015. Petitioner was initially found innocent and was summoned to face trial on an application moved by the prosecution under Section 319 Cr. P.C. However, all the material witnesses have not supported the prosecution case during trial, before the trial Court.

Learned State counsel who is assisted by Assistant Sub Inspector Rajbir Singh has opposed the petition, but has failed to controvert the factual aspect of the submissions made by learned counsel for the petitioner.

Since in the present case, the material witnesses have not supported the prosecution case, without expressing any opinion on the merits of the case, this petition is allowed. Petitioner be admitted to bail subject to the satisfaction of Chief Judicial Magistrate, Rohtak.

**(SABINA)
JUDGE**

December 24, 2015
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