

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

CRM No. M-36992 of 2016

Date of decision:- October 27, 2016

NITU @ DEEPAK

....PETITIONER..

VS.

STATE OF HARYANA

....RESPONDENT..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Ankush Kamboj, Advocate for
Mr. Gaurav Mohunta, Advocate,
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. Bijender Dhankar, Advocate,
for the complainant.

JASPAL SINGH, J. (Oral)

By virtue of instant petition preferred under Section 439 of the Code of Criminal Procedure (for brevity, "Code" only), petitioner-Nitu @ Deepak has sought bail during the pendency of trial, in case FIR No.207, dated 05.06.2016, under Sections 148, 149, 307 IPC and Section 25 of the Arms Act, 1959, Police Station Kharkhoda, District Sonapat.

2. Concededly, no specific injury has been attributed to the petitioner and as per the version contained in the FIR, the injury sustained by Dharamender, which proved fatal has been attributed to non-applicant i.e. Rakesh @ Mota-co-accused of the petitioner. Nothing incriminating has been recovered from the petitioner during the course of investigation by the investigating agency. After the conclusion of the investigation, challan has

already been presented, disposal of which is likely to take sufficient long time. It is a matter of evidence if the petitioner was accompanying the main accused, who is alleged to have fired shots.

3. Taking into consideration the aforesaid aspects but without expressing any opinion on the merits of the case, the petition is allowed and petitioner is ordered to be released on bail, during pendency of trial, at the satisfaction of trial Court/Duty Magistrate.

October 27, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reasonable: Yes/No