

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-42161 of 2016

.....

Date of decision:8.12.2016

Dhani Ram

...Petitioner

v.

State of Haryana

...Respondent

.....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Pawan Hooda, Advocate for the petitioner.

Mr. Vikramjit Singh, Additional Advocate General, Haryana for the respondent-State.

Mrs. Manisha Lamba, Advocate for the complainant.

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Inderjit Singh, J.

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.666 dated 29.12.2015 registered for the offences under Sections 302, 120-B, 202 and 34 IPC and Section 25 of the Arms Act at Police Station 55, Faridabad, District Faridabad.

Notice of motion to Advocate General, Haryana.

Mr. Vikramjit Singh, learned Additional Advocate General, Haryana has put in appearance on behalf of the respondent-State and Mrs. Manisha Lamba, learned Advocate has appeared for the complainant and contested this petition.

I have heard learned counsel for the parties as well as learned Additional Advocate General, Haryana appearing for the respondent-State and have gone through the record.

First of all, the petitioner has been in custody since 28.4.2016. He is not required for investigation or interrogation purposes. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody till the final disposal of the case. Further more, I find that the petitioner is not named in the FIR. As per the arguments of the learned State counsel as well as learned counsel for the complainant, the present petitioner has not given any injury to the deceased nor he was present on the spot. The only allegation is that a country made pistol was borrowed from him by the co-accused and after the occurrence, it was delivered to him, which was recovered from him. The only evidence, at this stage, as argued, is disclosure statement of co-accused.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find that even there is no allegation under Section 120-B IPC against the present petitioner.

Therefore, from the above, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bond in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

December 8, 2016.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No