

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

Sr. No.201

CRM No.M-33581 of 2017
DECIDED ON: November 06, 2017

DHARMENDER

..PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. J.S. Bedi, Senior Advocate with
Mr. Lovekirat Singh Chahal, Advocate,
for the petitioner.

Mr. Saurabh Girdhar, AAG, Haryana.

JASPAL SINGH, J. (ORAL)

By virtue of the instant second petition, preferred under Section 439 of Cr.P.C., petitioner has sought the grant of bail in case bearing FIR No.187, dated November 14, 2015, under Sections 148, 149, 302, 307, 202 IPC and Section 25/27/29 of Arms Act, 1959, registered at Police Station Mohana, District Sonapat.

2. Though, FIR stands registered under Sections 148, 149, 302, 307, 202 IPC and under Section 25/27/29 of Arms Act, 1959 but as per the contents of the report under Section 173(2) Cr.P.C., petitioner was arrested in this case under Section 202 IPC and 25/29 of Arms Act, 1959. The allegation against the petitioner is only that though he was made aware of the commission of the offence, but he did not report the matter to the police and further that .30 bore sporting rifle was recovered at his demarcation.

CRM No.M-33581 of 2017

3. During the course of arguments, it has emerged that the petitioner was arrested in this case on August 28, 2016 and for the last two years he is suffering for incarceration. As far as recovery of sporting rifle, at the instance of the petitioner is concerned, as per Forensic report, it was not used for the commission of alleged offence i.e. murder. Moreover, there shall no charge under Section 302 IPC against the petitioner.

4. Here it would also be pertinent to mention that all the three material witnesses namely Devender, Ravinder and Anil have already been examined. They did not support the case of the prosecution even against the co-accused of the petitioner.

5. Taking into aforesaid aspects but without expressing any opinion on the merits of the case, instant petition stands allowed. Petitioner is ordered to be released on bail to the satisfaction of the trial court/Chief Judicial Magistrate/Duty Magistrate, Sonapat during the pendency of the trial but subject to the conditions that he shall not leave India without prior permission of the trial court and shall not temper with the evidence.

November 06, 2017

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**