

**S.No.213**

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

**\*\*\*\***

**CRM-M-29171 of 2018 (O&M)  
Date of Decision:10.09.2018**

**Nagender @ Monu                      .....Petitioner**

**Vs.**

**State of Haryana                      .....Respondent**

**CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

Present:- Mr. Keshav Pratap Singh, Advocate  
for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

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**Rajbir Sehrawat, J.(Oral)**

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.5 dated 03.01.2017 registered under Sections 120-B, 147, 148, 149, 216, 302, 323, 449 and 452 IPC and Section 25 of Arms Act at Police Station Sadar Dadri, District Charkhi Dadri.

Counsel for the petitioner contends that even as per the case of the prosecution, the petitioner is not direct participant in the offence under Section 302 IPC. The charge against the present petitioner is also only under Section 216 of IPC and Section 25 of Arms Act. Further contention of learned counsel for the petitioner is that he is in custody since 24.04.2017. The evidence of the prosecution is going on. Therefore, the petitioner is not required for any investigation purpose.

Learned State Counsel, being instructed by HC Sanjay Kumar, does not dispute the fact that he is in custody since 24.04.2017 and that there is no charge under Section 302 IPC against the present petitioner.

In view of the above, without commenting upon the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds/ sureties to the satisfaction of trial Court/ Duty Magistrate, Charkhi Dadri.

September 10, 2018  
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( RAJBIR SEHRAWAT )  
JUDGE

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|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |