

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

**CRM-M-43049-2017**

**Date of decision: 23.02.2018**

**Ashwani @ Pallu**

**... Petitioner**

**Vs.**

**State of Haryana**

**... Respondent**

**CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL**

Present: Mr. Gautam Dutt, Advocate  
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

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**SUDHIR MITTAL, J (ORAL)**

The petitioner Ashwani @ Pallu seeks grant of regular bail in FIR No.223 dated 10.03.2017, registered at Police Station, Sector – 10, Gurugram, under Sections 302, 34 IPC and Section 25 of the Arms Act, 1959.

As per the prosecution story, the deceased and his companion were sitting in their office at night when the deceased was called outside by a young boy on the pretext that some people were waiting for him downstairs. After sometime, noise of gun shots were heard and the companion of the deceased went downstairs and found the dead body of the deceased with number of injuries.

Learned counsel for the petitioner contends that the petitioner has been named on the basis of statement of co-accused viz, Satish and Arvind. No recovery has been effected from him and he has been in custody since 18.05.2017. The investigation is complete, but the trial may take some time to conclude and, therefore, the petitioner deserves the concession of regular bail.

Learned State counsel, on instructions from ASI Mahinder Singh, submits that recovery of .32 bore pistol has been effected from the petitioner. However, FSL report in respect of that pistol is still awaited. He further states that the petitioner is a member of gang of criminals and, thus, does not deserve to be released on bail. However, on a question regarding the other cases pending against the petitioner, it is submitted that no other case is pending against him.

In view of the fact that the petitioner has been in custody since 18.05.2017 and that the investigation in the case is complete, no useful purpose would be served by keeping him in custody indefinitely as the trial of the case will take some more time to be concluded. However, in case the FSL report finds that the pistol recovered from the petitioner was used in the crime, the State would be at liberty to seek cancellation of his bail.

Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court at Gurugram.

**23.02.2018**

Dinesh

**(SUDHIR MITTAL)****JUDGE**

Whether speaking/non-speaking?      Yes/No

Whether reportable?      Yes/No