

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

207

**CRM-M No.47942 of 2018.
Date of Decision: 20.11.2018.**

Rahul Dharma

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Shilak Ram Hooda, Advocate for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana
assisted with ASI Sandeep Kumar.

Mr. M.S. Chahal, Advocate, for the complainant.

Shekher Dhawan, J.

Present 2nd petition under Section 439 of the Criminal Procedure Code has been filed by the petitioner for grant of regular bail pending trial in case F.I.R. No.62 dated 09.02.2016 under Sections 307, 34, 120-B of the Indian Penal Code and Section 25 of the Arms Act, 1959, registered at Police Station Rajendera Park, Gurugram.

Learned counsel representing the petitioner contended that the petitioner herein has been falsely implicated in this case on the allegation that he is the main conspirator whereas there is one injured Puneet, who was given one bullet injury and that has been attributed to Kabir. Moreso, as per the report from F.S.L., having been received by now, the same bullet does not match with the injury. The petitioner is in custody since 24.12.2017 and trial of the case still to take some more time, so the petitioner be released on

Learned State counsel pointed out that the petitioner is the main conspirator in this case and at his instance the incident had taken place.

Having considered the above fact that there is one injured in this case and the bullet injury is attributed to co-accused Kabir, who is behind the bar, the petitioner is in custody since 24.12.2017 and his role is that of conspirator only, the trial of the case still to take some more time and no useful purpose would be served by detaining the petitioner behind the bar any more, the present petition is allowed. The petitioner is ordered to be admitted on regular bail on furnishing adequate bail/ surety bonds to the satisfaction of concerned learned trial Judge/ Chief Judicial Magistrate/ Duty Magistrate.

(SHEKHER DHAWAN)
JUDGE

20.11.2018
jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No