

S.No.217

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

CRM-M-53480 of 2018 (O&M)

Date of Decision:07.12.2018

Ravinder @ Rohit @ Sadhu and anr.

.....Petitioners

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Ajay Ghangas, Advocate
for the petitioners.

Mr. Vikas Malik, DAG, Haryana.

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.340 dated 12.04.2018 registered under Sections 379-B/34 IPC and Section 25 of Arms Act at Police Station DLF Phase-II, Gurugram.

Counsel for the petitioners contends that the case against the petitioners has been concocted by the Police after the petitioners were arrested in some other case and in that other case, the petitioners have already been released on bail. So far as the present case is concerned, the alleged recovery from the petitioners has been fabricated by the Police. Still further, it is contended that one of the co-accused with similar role and similar attributes has already been released on bail by the trial Court itself. Counsel has further argued that even the alleged complainant has not fully supported the case of the prosecution; while appearing as a witness before the trial Court. The complainant has not identified the petitioners; as the persons involved in the alleged incident.

On the other hand, learned State Counsel, being instructed by

SI Nrender Kumar submits that the petitioner were found involved in the incident, as per the statement of the complainant himself. There have been recoveries from the petitioners. However, it is not disputed by the learned State Counsel that the petitioners were involved in the present case only after they were arrested in another case and that the co-accused of the petitioners; with similar attributes; have already been released on bail.

In view of the above, but without commenting upon merits of the case, the present petition is allowed. It is ordered that the petitioners be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

December 07, 2018
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No