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

CRM-M-329 of 2019

Date of decision: July 22, 2019

Gaurav Devdhar @ Gauri

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. P.S. Hundal, Senior Advocate with
Mr. Premjit S. Hundal, Advocate for the petitioner.

Mr. Arun Beniwal, DAG Haryana.

Ms. Jasneet Mehra, Advocate for the complainant.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail to the petitioner, in FIR No.259 dated 04.10.2017, under Sections 302/34 of Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Parao, Ambala.

As per prosecution case, petitioner along with three other co-accused were apprehended and an Alto car, one *danda* and knife were recovered from their possession.

Contends that petitioner is in custody since 08.10.2017 and there is no other criminal case pending against him. Also contends that out of two eye witnesses, one, namely Abhishek @ Sajjan has not supported the prosecution case and the another, namely Ishu alias Vipran

is no more.

The above factual position is duly acknowledge by learned State counsel, on instructions from Assistant Sub Inspector Dharam Pal.

Heard both sides and perused the paper-book.

Since Abhishek @ Sajjan, eye witness in the present case is not supporting the prosecution case and petitioner is in custody for the last approximately 2 years. Uptil today, there is no material available on record to connect the petitioner with the commission of offence. Concededly, there is no other criminal case pending against him, therefore, there is no justification in keeping him behind bar anymore; thus, this Court deems it appropriate to release him on bail pending trial.

In view of the above, this petition is allowed. Petitioner is ordered to be released on bail, in this case, on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

The petitioner shall fully co-operate with learned trial Court without seeking any unnecessary adjournments.

(MAHABIR SINGH SINDHU)
JUDGE

July 22, 2019
mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No