

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

**CRM-M-1907 of 2019
DATE OF DECISION:-22.01.2019**

ABHISHEK

...PETITIONER...

V.

STATE OF HARYANA

...RESPONDENT...

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Rajat Mor, Advocate,
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 439 Cr.P.C. prayer has been made for grant of regular bail to the petitioner in a case arising from FIR No.446 dated 09.07.2018, registered under Sections 307/34 IPC and Section 25 of the Arms Act, at Police Station Sampla, District Rohtak.

According to the prosecution, in the early hours of 09.07.2018, two unknown persons came on a motorcycle and knocked door of the house of complainant. When his brother opened gate, one of assailants fired gun shot, which hit brother of the complainant namely Vinod. The motive behind the occurrence was solemnization of marriage by Vinod with Priyanka against the wishes of her parents.

Learned counsel contends that main accused namely Ajay is the cousin of Priyanka. Petitioner is only a co-villager of Priyanka. Main accused Ajay had misused the petitioner by taking him along on motorcycle on some false pretext. He was not aware that his main co-accused Ajay would commit some crime as alleged in the FIR. Motorcycle allegedly recovered from the petitioner used in the commission of crime does not belong to him. Recovery of .32 bore pistol was effected from co-accused Ajay. No recovery is to be effected from the petitioner. The petitioner is in custody since 17.07.2018. Conclusion of trial may take a sufficient long time. No useful purpose would be served by detaining the petitioner in jail any more during trial.

Considering overall facts and circumstances, but without expressing any opinion on the merits of the case, the petition is allowed. Consequently, petitioner is ordered to be released on bail during pendency of trial, on his furnishing bail bonds and surety bonds to the satisfaction of Trial Court/Duty Magistrate concerned.

22.01.2019
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(RAMENDRA JAIN)
JUDGE

whether speaking/reasoned: Yes/No

whether reportable: Yes/No