

S.No.216

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

CRM-M-5233 of 2019 (O&M)

Date of Decision:23.07.2019

Satish @ KalaPetitioner

Vs.

State of HaryanaRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Ms. Sharmila Sharma, Advocate
for the petitioner.
Mr. Manoj Kumar Sangwan, 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.469 dated 18.08.2018 registered under Sections 148, 149, 302, 323, 325 IPC at Police Station Sadar Sonapat, District Sonapat.

Learned counsel for the petitioner contends that the petitioner has unnecessarily been involved in the case. It is further submitted that even as per the case of the prosecution, the petitioner is not attributed any injury whatsoever to the deceased as such. Therefore, the petitioner has not committed any act connecting him to the offence under Section 302 IPC. As per the story of the prosecution, the petitioner is alleged to have caused injury only to the witness. It is further submitted that the petitioner is in custody since 11.10.2018. The investigation of the case is already complete. Therefore, the petitioner is not required for any investigation purposes. It is further submitted that there is no other case of any kind against the petitioner.

On the other hand, learned State Counsel being instructed by

ASI Dilawar Singh, the petitioner has participated in the incident, in which

one person has lost his life. Therefore, the petitioner was having common object with the co-accused for committing the murder of the deceased. However, it is not disputed that the petitioner has not caused any injury to the deceased as such. The only injury attributed to the petitioner is qua the injured witness. It is also not disputed that the petitioner is in custody since 11.10.2018 and that there is no other case against the petitioner.

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

July 23, 2019
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(RAJBIR SEHRAWAT)
JUDGE

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