

215 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-6500-2019 (O&M)

Date of decision:22.02.2019

Hari Om

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

Present: Mr. Harjit Yadav, Advocate for the petitioner.

Mr. Munish Dev Sharma, AAG, Haryana.

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**RAJBIR SEHRAWAT, J. (ORAL)**

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of bail pending trial in case FIR No.319 dated 18.10.2018 under Sections 399, 402, 412 of IPC and Sections 25, 54 and 59 of Arms Act, registered at Police Station Sadar, Narnaul.

Learned counsel for the petitioner contends that the allegation against the petitioner is that along with four other co-accused, the petitioner was planning to kill one Babbu Khaira. All the accused along with the petitioner were arrested in this case with the stolen car. It is further submitted that even as per the allegation of the prosecution, the petitioner is not involved in the snatching of the car found with the accused. Although, the police alleged to have found an empty country made pistol with the petitioner, however, no bullets were found with the petitioner. It is further contended that admittedly, no positive action had been taken beyond the stage of conspiracy. Even the allegations of conspiracy, alleged against the petitioner and his co-accused, are improbable. There is no other case against the present petitioner. The petitioner is in custody since 18.10.2018 and the

not required for any investigation purposes.

On the other hand, learned State counsel, being instructed by ASI Vikas, submits that the petitioner is part of a gang and the co-accused of the petitioner are having several cases against them. The country made pistol has been recovered from the petitioner; along with other co-accused. However, it is not disputed that there is no other case against the petitioner and that challan has already been filed in this case.

In view of the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)  
JUDGE

22.02.2019  
Hemlata

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|---------------------------|----------|
| Whether speaking/reasoned | Yes / No |
| Whether reportable        | Yes / No |