

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

CRM-M-8294-2019 (O&M)

Date of decision:05.04.2019

Rahul alias Moosli

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Vikram Singh, Advocate
 for the petitioner.

Mr. Munish Dev Sharma, AAG, Haryana.

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.304 dated 08.07.2018 under Sections 302, 120-B, 34 of IPC and Section 25 (Act No.54) of Arms Act 1959, registered at Police Station Kharkhoda, District Sonipat.

Learned counsel for the petitioner contends that the name of the petitioner has not been mentioned in the FIR. Even as per the case of the prosecution, the name of the petitioner has surfaced in the alleged supplementary statement of the complainant, which was recorded after three days of lodging of the FIR. Even as per that statement, the only allegation against the petitioner is that he conspired with the other accused and in that process, he gathered information regarding movement of the deceased. It is further submitted that even to substantiate this allegation against the petitioner, there is nothing found by the police even during the investigation. Still further, it is submitted by the petitioner that the petitioner is in custody since 12.07.2018 and the challan has already been filed against him. The petitioner is not required for any further investigation purposes and that there is no other case against him.

On the other hand, learned State counsel, on instructions from the Investigating Officer, submits that the name of the petitioner has duly surfaced during the investigation. However, it is not denied that there is no other evidence against the petitioner except the supplementary statement of the complainant. It is also not denied that there is no other case against the petitioner.

In view 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

05.04.2019
Hemlata

Whether speaking/reasoned	Yes / No
Whether reportable	Yes / No