

S.No.215

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

CRM-M-9735 of 2019 (O&M)

Date of Decision:13.05.2019

Sahil Pandit @ Sahil Gautam

.....Petitioner

Vs.

The State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. H.S. Sandhu, Advocate
for the petitioner.

Mr. Parveen Aggarwal, 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.1215 dated 13.12.2017 registered under Sections 148/149/302/307/34 IPC and Section 25 of Arms Act, and Section 3 of SC/ST Act, 1989 at Police Station Sadar Karnal.

It is submitted by counsel for the petitioner that the petitioner has been wrongly involved in this case. The Police have falsely concocted the story against him. Even as per the case of the Police, the petitioner is not alleged to have caused any injury to the deceased. The only allegation against the petitioner is of having caused injury to one of the alleged eye witnesses. However, the complainant has not supported the case of the prosecution even qua that injury. It is also submitted by the counsel for the petitioner that although the alleged injured witness, to whom the petitioner is attributed the injury, has supported the case qua the present petitioner.

However, he has not supported the case of the prosecution qua two other

accused. Therefore, all the witnesses of prosecution are made up witnesses. Otherwise also, three witnesses, including the complainant and the injured have already been examined. The petitioner is in custody since 13.01.2018. The petitioner is not required for any investigation purposes.

On the other hand, learned State Counsel being instructed by ASI Sultan Singh, submits that the injured witness has duly supported the case against the petitioner. The petitioner has been participant in an incident where one person has lost the life. However, it is not disputed that no injury is attributed to the petitioner as having been caused to the deceased. It is also not disputed that the complainant has not supported the case qua the present petitioner and that he is in custody since 13.01.2018.

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

May 13, 2019
renu

(RAJBIR SEHRAWAT)
JUDGE

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