

Sr. No.218

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

CRM-M-10510-2019

Date of decision:14.03.2019

Jitender @ Sonu

.....Petitioner

versus

State of Haryana

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Ramesh Malik, Advocate
for the petitioner.

Mr. M.D.Sharma, AAG, Haryana.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking bail pending trial in FIR No.319, dated 18.10.2018 for the offences punishable under Sections 399,402,412 of IPC and Sections 25/54/59 of Arms Act, registered at Police Station Sadar, District Narnaul.

Learned counsel for the petitioner contends that the name of the petitioner has been wrongly involved in this case. Otherwise also, even as per the case of the prosecution, the allegations pertain only to preparation of committing a crime, which was allegedly over heard by the police party. However, beyond the stage of preparation, no overt act is even alleged to have been committed by the petitioner. Although the police claimed to have recovered country made pistol alongwith the live cartridge, however, there is not even allegation that the same was ever used by the petitioner. Still further it is submitted by the counsel that although the police claims to have found a snatched car at a place where the petitioner was present alongwith other co-accused, however, the petitioner is not involved in any case

pertaining to snatching of the said BMW car. Further submission by the counsel for the petitioner is that the petitioner is in custody since 18.10.2018. Challan has already been filed. Hence the petitioner is not required for any investigation purposes.

On the other hand, learned State counsel, being instructed by ASI Ravinder, submits that the petitioner is involved in a heinous crime of preparation for committing a murder. Still further it is submitted that the petitioner is a hard core criminal and two more cases are also pending against the petitioner. However, it is not disputed that the petitioner is in custody since 18.10.2018.

In response to the submission made by learned State counsel, learned counsel for the petitioner has submitted that in the said other two cases, the petitioner has already been released on bail pending trial. The petitioner is not in custody in any other case except the present one.

In view of the submissions made by learned counsel for the petitioner, but without commenting upon the merits of the case, the petition is allowed. Petitioner is granted the concession of bail pending trial. He be released on bail pending trial subject to furnishing bail bonds/surety to the satisfaction of the concerned Trial Court/Duty Magistrate.

14th March, 2019

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*