

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

CRM-M No.11254 of 2019
DATE OF DECISION : 23rd JULY, 2019

Ashu

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Sandeep Singh Ghangas, Advocate for the petitioner.
 Mr. M. K. Sangwan, Deputy Advocate General, Haryana.

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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.0539 dated 23.08.2018 registered under Sections 379-B, 450 & 511 read with Section 34 IPC and Section 25/54/59 of Arms Act at Police Station Samalkha, District Panipat.

Learned counsel for the petitioner contends that the case against the petitioner is based on some misunderstanding on the part of the complainant. Even as per the FIR the incident is alleged to have occurred at about 2.00 pm, whereas, the FIR has been recorded at 11.00pm in the night. This much time has been utilized by the police for involving the petitioner in this case. However, the petitioner was not even present on the spot. Even as per the allegation, nothing was snatched from the complainant. Still further it is submitted that the petitioner is in custody since 24.08.2018. There is no other case against the petitioner. Challan has already been filed. Therefore, the petitioner is not required for any investigation purposes.

On the other hand, learned counsel for the State, being instructed by ASI Bijender Singh, submits that the petitioner has been specifically named by the complainant. Pursuant to the disclosure a country made pistol has been recovered from the petitioner. However it is not disputed that the petitioner is in custody since 24.08.2018 and that there is no other case against him. It is also not disputed that nothing was snatched by the petitioner from the complainant as such.

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 bail on their furnishing bail bonds/sureties to the satisfaction of the trial Court/Duty Magistrate.

23rd JULY, 2019
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>