

Sr. No.217

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

CRM-M-11815-2019(O&M)
Date of decision:20.03.2019

Rajesh Kumar

.....Petitioner

versus

State of U.T.,Chandigarh

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Satbir Rathore, Advocate
for the petitioner.

Mr. Gautam Dutt, APP, UT., Chandigarh.

Rajbir Sehrawat, J(Oral)

Through this petition, the petitioner has sought for bail pending trial in case FIR No.357 dated 20.11.2018 registered under Sections 307, 506, 34 IPC and 25 of Arms Act 1959, Sections 147,148,149,188,201 IPC added later on at Police Station East Sector-26, District Chandigarh.

Learned counsel for the petitioner submits that the case against the petitioner is baseless. His name has been involved in the case only for being connected with the co-accused. It is further submitted that even as per the allegations of the police, the petitioner is alleged to have given only fist blows and slaps to one Pankaj. Otherwise, he is alleged to be empty handed. No grievous injury is attributed to the petitioner as such. The fire arm injury is attributed to the co-accused of the petitioner. The petitioner is in custody since 30.11.2018. Challan has already been filed. The petitioner is not required for any investigation purposes.

On the other hand, learned counsel for the U.T. Chandigarh submits that the petitioner was very much present at the spot. He has

participated in occurrence when the co-accused have caused injuries dangerous to life. Therefore, he does not deserve any concession of bail. However, it is not disputed that the petitioner is alleged to be only empty handed and is attributed only simple injuries.

In view of the above facts and circumstances, 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.

20th March, 2019

Shivani Kaushik

[RAJBIR SEHRAWAT]

JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*