

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

CRM-M No.13682 of 2019 (O&M)
DATE OF DECISION : 16th NOVEMBER, 2019

Idresh

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Gagan Deep Grewal, 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.501 dated 01.09.2017 registered under Sections 148, 149, 202, 285, 323, 324, 302, 307, 506 & 120-B IPC and Section 25/27 of Arms Act, 1959 at Police Station Gharaunda, District Karnal.

Learned counsel for the petitioner contends that the name of the petitioner has been wrongly dragged in this case. The petitioner has been named by the co-accused in the disclosure statement. However, even during the investigation the police were not able to collect any evidence against the petitioner to connect him with the crime. Still further it is submitted that the dispute is alleged to be qua some property. However, neither the petitioner nor his family member is connected with the said property, in any manner whatsoever. Even as per the allegation, the only role attributed to the petitioner is that he has fired a gun shot in the air. Thereafter, the injured eye witnesses have been examined as

prosecution witnesses before the court and they have not named the petitioner as assailant. Still further, it is submitted that the petitioner is in custody since 29.01.2018 and out of total 43 witnesses only 24 witnesses have been examined so far. The trial is not likely to be completed in the near future. It is also submitted that there is no other case against the petitioner. Hence, the petitioner deserves to be released on bail pending trial.

On the other hand, learned State Counsel, on instructions from ASI Chandan Singh, submits that the name of the petitioner has cropped up in the statement of the co-accused. Still further it is submitted that specific role of firing in the air; is attributed to the petitioner. However, it is not disputed that the petitioner is in custody since 29.01.2018 and that only 24 prosecution witnesses have been examined out of 43 witnesses.

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.

16TH NOVEMBER, 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>