

S.No.216

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

CRM-M-16106 of 2019 (O&M)

Date of Decision:09.07.2019

Yash Sharma @ Sunny

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Ajay Ghangas, Advocate
for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

Rajbir Sehrawat, J.(Oral)

CRM No.13558 of 2019

Application is allowed. Annexures P.5 to P.7 are taken on record.

CRM-M-16106 of 2019

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.319 dated 22.07.2018 registered under Sections 307, 323, 427, 148, 149 IPC and 29-54 of Arms Act, 1959 at Police Station Faridabad NIT, District Faridabad.

It is submitted by counsel for the petitioner that case against the petitioner is totally concocted. Even as per the case of the prosecution, no injury has been caused to anybody in this incident. The only allegation is qua using illegal firearm. However, even the recovery of the firearm is concocted by the Police. It is further submitted that otherwise also, the main prosecution witnesses have been examined and they have not supported the case of the prosecution. It is further submitted that since the trial is already going on, therefore, the petitioner is not required for any investigation purposes.

On the other hand, learned State Counsel, being instructed by ASI Amarjit Singh, submits that the petitioner is involved in a heinous crime. It is further submitted that there have been seven cases against the petitioner; out of which he was convicted in two cases. Although, he was acquitted in remaining cases, however, the abovesaid two cases are still pending against the petitioner. Therefore, the petitioner does not deserve any concession of bail.

As response to this, learned counsel for the petitioner submits that the petitioner has already undergone the sentence in those cases where he was convicted. In remaining cases, except the two, the petitioner stands acquitted. Two cases which are pending against the petitioner are only under Section 323 IPC and even in those cases, the petitioner is already on bail.

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

July 09, 2019
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(RAJBIR SEHRAWAT)
JUDGE

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