

Sr. No.209

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

CRM-M-34634-2018(O&M)

Date of decision:10.01.2019

Rohit @ Prashant

.....Petitioner

versus

State of Haryana

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Ravinder Bangar, 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.0223, dated 16.02.2017 for the offences punishable under Sections 25-54-59 of the Arms Act and Section 379 of IPC, registered at Police Station Gurgaon Sadar, District Gurugram, Haryana.

Learned counsel for the petitioner contends that the petitioner is not involved in the present incident at all. This case was concocted by the Police when the petitioner was arrested in another case. In the present case also, the petitioner is in custody since 22.03.2017 and out of 17 witnesses only 05 witnesses have been examined so far. The petitioner is not required for any investigation purposes. Therefore, the petitioner deserves to be granted bail pending trial. Complainant of the case has been duly examined before the Court, who has not supported the case of the prosecution.

On the other hand, learned State counsel submits that the petitioner is involved in several other cases. In the connected case when the

petitioner was arrested, the pistol was recovered in that case and the same pistol was used in the incident involved in the present case as well. Therefore, petitioner is not entitled to any bail pending trial. However it is not disputed that the petitioner is in custody since 22.03.2017 and that only 05 witnesses out of 17 witnesses have been examined so far.

In response to the submission made by learned State counsel, learned counsel for the petitioner has submitted that beside the present case the petitioner is involved in two more cases. However, in one case, the petitioner has already been granted bail pending trial, although, the petitioner has not furnished the bail bonds so far. In another case, although the petitioner was convicted for rigorous imprisonment for a period of 2 years, however, the petitioner has undergone almost the entire sentence. Hence it is contended that the petitioner is being unduly incarcerated in the present case.

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.

10th January, 2019

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*