

Sr. No.215

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

CRM-M-22374-2019

Date of decision:21.05.2019

Pardeep

..... Petitioner

versus

State of Haryana

..... Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Virender Soni, Advocate
for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking bail pending trial in FIR No.598, dated 8.11.2018 for the offences punishable under Sections 148, 149, 307, 120-B, 34 IPC and Section 25 of Arms Act, registered at Police Station Sadar Rohtak, District Rohtak.

Learned counsel for the petitioner contends that the case against the petitioner is totally false. The name of the petitioner is involved in the case for malafide reasons. It is further submitted that even as per the case of the prosecution, the petitioner is not alleged to have caused any injury to any person. The only allegation against the petitioner is that he was driving the motor cycle upon which the assailant was pillion rider. Although the police claims to have recovered a motor cycle at the instance of the petitioner, however, the petitioner is not even the owner of the said motor cycle. Therefore, there is nothing collected by the police, even during investigation, to connect the petitioner to the crime alleged against him. It is further

submitted that the petitioner is in custody since 11.11.2018. There is no other case against the petitioner. Challan has already been filed in this case. Therefore, the petitioner is no more required for any investigation purposes.

On the other hand, learned State counsel being instructed by ASI Sukhvir Singh, submits that the petitioner has been found to be participant in the offence. He is directly named in the FIR itself. To substantiate the case against the petitioner, alleged motor cycle has already been recovered at the instance of the petitioner. However, it is not denied that the petitioner is not attributed any injury to any person in this incident. It is also not denied that there is no other case against the petitioner and that in the present case, challan has already been filed.

In view of the above, 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.

21st May, 2019

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*