

Sr. No.214

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

**CRM-M-51980-2018
Date of decision:10.01.2019**

Amit

.....Petitioner

versus

State of Haryana

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Punit Malik, 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.559, dated 03.09.2014 for the offences punishable under Sections 307,34, 341 IPC and Section 25 of Arms Act, registered at Police Station Sector-10, District Gurugram.

Learned counsel for the petitioner contends that the petitioner is not involved in the crime at all. Even as per the allegations levelled by the prosecution, the petitioner is not attributed any injury to anybody. The only allegation against the petitioner is that when the shot was fired by the co-accused, at that time, the petitioner was sitting in the car. It is further contended that even the Complainant has not supported the case of the prosecution. He has not identified the petitioner as one of the assailants. It is further contended that even the person who is alleged to have fired is already on bail and the petitioner is in custody since 02.01.2017. Despite that only 10 witnesses have been examined out of 18 prosecution witnesses.

Trial is likely to take a longer time. Hence the petitioner deserves to be released on bail.

On the other hand, learned State counsel being instructed by SI Satpal Singh has submitted that the petitioner is a habitual offender. He is involved in several cases including cases under Section 302 IPC. It is further contended that the car in which the petitioner was sitting was also a stolen car. However, it is not disputed that the petitioner is in custody since 02.01.2017.

In response to the submission made by learned State counsel, learned counsel for the petitioner has submitted that in all other cases, the petitioner has already been released on bail. The petitioner is not in custody in any other case except the present one.

In view of the above submissions, 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*