

S.No.215

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

CRM-M-28165 of 2019 (O&M)

Date of Decision:05.09.2019

Sudhir @ Thanna

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Ashok K. Sharma Bhana, Advocate
for the petitioner.
Mr. Manoj Kumar Sangwan, DAG, Haryana.

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.318 dated 21.11.2018 registered under Section 307/34 IPC and 25/29 of Arms Act at Police Station Julana, District Jind.

It is contended by counsel for the petitioner that the name of the petitioner has wrongly been dragged in this case. Still further, it is submitted that even as per the case of prosecution, the only allegation against the petitioner is that the weapon of offence was, allegedly, purchased by the assailants from the petitioner. Therefore, there is not even any allegation by the prosecution that the petitioner even participated in the actual act of offence; inviting Section 307 IPC. It is further contended that the petitioner is in custody since 25.11.2018. The evidence is already going on. The witnesses of the prosecution have also not fully supported the case of prosecution. Therefore, the petitioner deserves to be released on bail.

On the other hand, learned State Counsel, being instructed by ASI Subhash Chander, submits that the petitioner is involved in a heinous crime. However, it is not disputed that the only allegation against the

petitioner is qua supplying arm to the main assailants. It is not disputed that the petitioner is not alleged to be one of the actual assailants, committing offence under Section 307 IPC.

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.

September 05, 2019
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(RAJBIR SEHRAWAT)
JUDGE

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