

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

**CRM-M No.43023 of 2019 (O&M)
DATE OF DECISION : 30th OCTOBER, 2019**

Gurpiar Singh

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. J.P.S.Sidhu, Advocate for the petitioner.

Mr. M. D. Sharma, Assistant Advocate General, Haryana.

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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.395 dated 16.08.2019 registered under Sections 307, 201 & 34 IPC and Section 25 of Arms Act at Police Station City Tohana, District Fatehabad.

It is contended by counsel for the petitioner that case against the petitioner has been concocted at the instance of the complainant, against whom cousin of the petitioner had contested election for the post of *Sarpanch*. However, the complainant had won that election by adopting unfair means. Therefore, cousin of the petitioner had already filed election petition, challenging the election of the complainant. Due to that factor, the complainant has got initiated proceedings against the cousin of the petitioner; in a separate case; and against the petitioner in the present case. Otherwise, so far as the present case is concerned, nobody is alleged to have been injured. Therefore, there is no question of

Section 307 IPC being involved in this case. It is further contended that there is no recovery of anything from the petitioner. The alleged recovery, if any shown, is fabricated by the police.

On the other hand, counsel for the State, being instructed by SI Puran Chand, submits that the motorcycle used in the crime has been recovered from the petitioner. In this incident a firing had, in fact, taken place. The weapon of offence used in this crime has been recovered from the co-accused of the petitioner, in another case. Hence, the petitioner does not deserve any concession of bail.

As response to this, learned counsel for the petitioner has submitted that the motorcycle belongs to the petitioner only. Therefore, mere taking into possession the said motorcycle from the petitioner does not mean that the petitioner is involved in the case. There is nothing on record to show that the said motorcycle was involved in the crime. Again it is reiterated that it is a case of no injury to any person. The petitioner is in custody since 02.09.2019.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

30TH OCTOBER, 2019
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>