

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

220

CRM-M No.50365 of 2019 (O&M)
DATE OF DECISION : 3rd DECEMBER, 2019

Rinku

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Bhupinder Singh Bairagi, Advocate for the petitioner.
Mr. Ripu Daman, AAG, 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.318 dated 21.11.2018 registered under Sections 307 & 34 IPC and Section 25 of the Arms Act, 1959, at Police Station Julana, District Jind.

It is contended by counsel for the petitioner that the petitioner has been wrongly involved in this case. Even as per the allegation of the prosecution, the alleged assailants are stated to be with muffled faces. Even in the court, the complainants have not identified the petitioner as the assailant. To show the involvement of the petitioner, the police had shown the recovery of motorcycle from the petitioner. However, that motorcycle does not even belong to the petitioner. The petitioner is in custody since 22.11.2018. He is not required for any investigation purposes. Hence, the petitioner deserves to be released on bail pending trial.

On the other hand, learned counsel for the State, on instructions, submits that the petitioner is a habitual offender. He is involved in one more case under Section 307 IPC. Still further, it is submitted that the motorcycle has been recovered from the petitioner. However, it is not disputed that the petitioner is in custody since 22.11.2018 and that he is not required for any investigation purposes. It is also not disputed that the motorcycle does not belong to the petitioner.

In view of the above, but without commenting 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.

3rd DECEMBER, 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>