

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

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**CRM-M No. 52834 of 2019
Date of decision : 16.12.2019**

Gaurav (minor) through his father Ramesh **.....Petitioner**

Vs.

State of Haryana **.....Respondent**

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. R.S. Malik, Advocate, for the petitioner

Mr. Chetan Sharma, AAG, 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. 135 dated 30.10.2018, registered under Sections 302, 120B and 34 IPC and Sections 25/27 of Arms Act, 1959, at Police Station Mohana, District Sonapat.

It is contended by learned counsel for the petitioner that the case against the petitioner is totally concocted. Even as per the case of the prosecution, the offence alleged against the petitioner is only qua conspiracy. Beyond that the only allegation against the petitioner is that at the time of incident the petitioner was sitting in the middle on a motor cycle and the driver of the motor cycle himself fired at the deceased. Beyond that no attribution has been alleged against the petitioner. Even the motive of the incident is not stated to be associated with the petitioner. Counsel has also submitted that there is no other case against the petitioner. The petitioner is in custody since 8.11.2018. Trial of the case has already been started. Hence, the petitioner is not required for any investigation purposes.

On the other hand, learned State counsel, being instructed by the

police official, submits that the petitioner was one of the three persons who were involved in a heinous crime of murder. However, he has not disputed the fact that except the allegations of being sitting in the middle on a motor cycle where the driver himself fired at the deceased, there is no role attributed to the petitioner as such. It is also not disputed that the petitioner is in custody since 8.11.2018 and that there is no other case against the petitioner.

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.

(RAJBIR SEHRAWAT)
JUDGE

16.12.2019

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No