

S.No.209

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

CRM-M-1479 of 2020 (O&M)

Date of Decision:21.05.2020

PankajPetitioner

Vs.

State of HaryanaRespondent

IN VIRTUAL COURT

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Rajnikant Upadhyay, Advocate for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

Rajbir Sehrawat, J.(Oral)

CRM No.10988 of 2020

Application is allowed. Document is taken on record as
Annexure P.3.

CRM-M-1479 of 2020

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.236 dated
01.05.2018 registered under Sections 307, 386, 506, 201 read with Section
34 IPC and Section 25 of Arms Act, 1959 at Police Station Sadar, Sonapat.

It is contended by counsel for the petitioner that the name of the
petitioner has been wrongly dragged in this case. Still further, it is
submitted that even as per the allegation of the prosecution, the petitioner
was only driver of a vehicle in which three other persons had come to the
liquor vend; where the complainant was working, and they threatened him

to give amount on account of monthly money. It is not even the allegation of the prosecution that the petitioner even stepped out of his car or that he participated in the process of actual threatening. It is also submitted that otherwise also, in this incident, there is no allegation of any injury being caused to any person or any money being snatched from anybody. The petitioner is in custody since 20.10.2018. The liquor contractor has already turned hostile. The complainant is not appearing as a witness deliberately. As a result, the petitioner is languishing in the jail without any purpose. He is not required for any investigation, recovery or interrogation purpose. Hence, he deserves to be released on bail.

On the other hand, learned counsel for the State, on instructions from ASI Vipender, submits that the petitioner was one of the persons, who actually reached the liquor vend to demand the money. However, it is not disputed that it is a case of no injury and no financial loss to the complainant or to any other person. It is also not disputed that the petitioner is in custody since 20.10.2018.

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

May 21, 2020
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(RAJBIR SEHRAWAT)
JUDGE

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