IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.13045 of 2020
DATE OF DECISION : 28th MAY, 2020

Rahul @ Sonu

…. Petitioner

Versus

State of Haryana

…. Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court
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Present: Mr. Raghav Sharma, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

This third petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.213 dated 20.03.2019 under Sections 148, 149, 323, 325, 307 & 506 IPC later on added under Section 3 of SC/ST (Prevention of Atrocities) Act 1989 at Polices Station Assandh, District Karnal.

It is contended by the counsel for the petitioner that the case against the petitioner is totally concocted. The petitioner was not even named in the FIR. No role is attributed to the petitioner. In fact, it is a property dispute. Still further, it is submitted that the main accused have already been granted either the anticipatory bail or the regular bail. The petitioner is in custody since 26.06.2019. Despite that not even a single witness has been examined so far. The petitioner is not required for any investigation purposes. Hence, the petitioner deserves to be released on bail.

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Notice of motion.

Mr. Anmol Malik, AAG, Haryana, accepts notice on behalf of the State.

On the other hand, the counsel for the State submits that although the petitioner is not named in the FIR, however, his name has duly surfaced in the disclosure statement of the co-accused. Moreover, during the investigation; the weapon has been recovered from the petitioner. However, it is not disputed that no injury, as such, is attributed to the petitioner. It is also not disputed that there has not been any active participation on the part of the petitioner, as per the allegations. It is also not disputed that the co-accused of the petitioner, with attribution of a more grave role, have already been granted either the anticipatory bail or the regular bail.

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.

28th May, 2020 **(RAJBIR SEHRAWAT)**
'raj' **JUDGE**

Whether speaking/reasoned: *Yes* *No*

Whether Reportable: *Yes* *No*

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