

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

**CRM-M-48813-2019
Decided on : 20.05.2020**

Rinku @ Brahamjeet

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Gautam Dutt, Advocate
for the petitioner(s).

Mr. Anmol Malik, DAG, Haryana.

MANJARI NEHRU KAUL, J.

Due to the outbreak of pandemic COVID-19, the instant case is being taken up for hearing through vide conferencing.

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 88, dated 10.04.2019, under Sections 307, 341, 34, 427, 120-B IPC and Sections 25, 54, 59 of the Arms Act, registered at Police Station Industrial Sector-7 Manesar, District Gurugram.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been behind bars since 09th May, 2019. Out of a total of 29 prosecution witnesses cited, as many as 13 witnesses have been examined till date including the material witnesses, who have not supported the case of the prosecution. Hence, it is evident that the petitioner has been falsely implicated in the case in hand.

Learned State counsel on the other hand has vehemently opposed the prayer for grant of regular bail to the petitioner by urging that

the petitioner was not only present at the time of alleged occurrence, but he

has actively participated in the crime as well, inasmuch as, he fired a shot on the vehicle of the complainant. However, learned State counsel has not been able to controvert the factum of all the material witnesses including the complainant not supporting the case of the prosecution during trial and having been declared hostile.

Heard.

Having considered the submissions made by either side, the petitioner has been behind bars admittedly since 09th May, 2019. Hence, no useful purpose would be served in keeping the petitioner behind bars, as the trial would take a considerable time to conclude. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed herein shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

May 20, 2020

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*