

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

107

CRM-M-36499-2020

Date of Decision: 27.10.2021

Aman @ Rinku

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Prateek Rathee, Advocate for petitioner.

Mr. Vikrant Pamboo, Deputy Advocate General, Haryana.

None for complainant.

Lalit Batra, J.(Oral)

This second petition under Section 439 Cr.P.C for grant of regular bail has been moved by petitioner-Aman @ Rinku in case FIR No.118 dated 19.03.2019 under Sections 120-B, 307, 450 and 452 IPC read with Section 34 IPC and Section 25 of Arms Act, registered at Police Station Urban Estate, District Rohtak.

Learned counsel for the petitioner *inter alia* contends that version, as alleged in the FIR, is totally concocted one and there is no iota of truth therein. He further submits that co-accused Shankar @ Shanku has already been extended concession of regular bail by this Court, vide order dated 27.05.2020 passed in CRM-M-7609-2020; co-accused namely Vicky @ Mohit, Rakesh and Sumit have already been released on bail by Sessions Court, vide orders dated 07.11.2019, 20.11.2019 and 28.11.2019 respectively and co-accused Aditya has already been released on bail by

Principal Magistrate, Juvenile Justice Board, Rohtak. He further submits that petitioner is languishing in custody since 14.04.2019 and he is no more required by the Police for any investigation purpose as after completion of investigation, final report as envisaged under Section 173 Cr.P.C. (*Challan*) has already been presented in Court and trial has commenced. He further submits that during the course of trial, testimonies of material prosecution witnesses namely PW-1 Manvir (complainant-injured), PW-2 Satish, PW-3 Surender and PW-4 Naveen have already been recorded by Trial Court (copies of testimonies of witnesses have been placed on record today itself in the Court), wherein those material prosecution witnesses have not supported the cause of prosecution. He further submits that even otherwise, in terms of FSL report, no definite opinion could be formed regarding linkage of 9mm fired bullet Marked BC/4 in respect of countrymade pistols Marked W/1 and W/2 due to lack of sufficient comparable individual characteristic marks as BC/4 was found deformed. He further submits that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing the cause of petitioner has vehemently argued that in view of seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties and have carefully gone through the contents of petition as well as testimonies of prosecution witnesses namely PW-1 Manvir (complainant-injured), PW-2 Satish, PW-3

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 14.04.2019; that petitioner is no more required by the Investigating Agency for investigation purpose; that *Challan* has already been presented in Court; that testimonies of material prosecution witnesses namely PW-1 Manvir (complainant-injured), PW-2 Satish, PW-3 Surender and PW-4 Naveen have already been recorded and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-**Aman @ Rinku** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/ Chief Judicial Magistrate/Duty Magistrate, Rohtak , as the case may be.

(LALIT BATRA)
JUDGE

27.10.2021

Varinder Prashad

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