

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(232)

CRM No. M- 2281 of 2022

Date of Decision : 24.01.2022

Sagar

....Petitioner

Versus

State of Haryana

.....Respondent

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Joginder Pal Devgan, Advocate for the petitioner.

Mr. Karan Garg, Assistant Advocate General, Haryana.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 808 dated 15.11.2021, registered under Sections 285, 393 (added later on), 34 IPC and Sections 25, 28 (added later on), 54, 59 of Arms Act, 1959 at Police Station Rohtak City, District Rohtak.

Learned counsel for the petitioner argues that though the petitioner was apprehended at the spot but, no role has been attributed to the petitioner so as to co-relate him with the allegations alleged. Learned counsel for the petitioner submits that even during the investigation, nothing has been recovered from the petitioner so as to connect him with the allegations alleged in the FIR.

Notice of motion.

Mr. Karan Garg, learned Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the

service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel, on the other hand, concedes that nothing has been recovered from the petitioner though, the presence of the petitioner at the site itself shows that the petitioner was facilitating the crime.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Whether the petitioner is guilty of the allegations alleged or not, is a matter of evidence, which will come during the trial. It is a conceded position that as of now, nothing has been recovered from the petitioner so as to connect him with the allegations alleged in the FIR. The challan has already been presented after the completion of the investigation and as the trial is likely to take some time before the same concludes, no useful purpose will be served keeping the petitioner behind the bars, especially, when learned counsel for the petitioner has undertaken before this Court that the petitioner will not influence the trial in any manner and will maintain good conduct, if he is granted bail. In case of default of the undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

The petitioner is directed to be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

January 24, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? No