

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52046-2022
DECIDED ON: 17.11.2022

GAURAV

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ketan Antil, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

SANDEEP MOUDGIL, J. (ORAL)

This is a petition seeking regular bail in FIR No.411, dated 06.11.2021, under Sections 302, 304-B of the Indian Penal Code, 1860, and Sections 25, 54 and 59 of Arms Act, 1959 (Section 304-B IPC deleted lateron and Section 34 IPC and Sections 25, 54, 59 of the Arms Act added later on), registered at Police Station Barauda, District Sonipat, Haryana.

Learned counsel for the petitioner contends that no overt act has been attributed to the petitioner. He also contends that the petitioner has been falsely implicated in the present case. He further contends that the petitioner was not named in the FIR and has been roped in the present FIR only on the basis of disclosure statement of co-accused namely Dinesh. He has also referred to the said disclosure statement, which is attached with the petition as Annexure P-2.

On the other hand, learned State counsel has filed custody

certificate of the petitioner today in the Court, which is taken on record. According to the custody certificate, the petitioner is already behind bars for the last 04 months and 23 days. He submits that the role attributed to the petitioner is limited to the guarding of the room and thereafter, he along with main accused left the said place.

Looking at the totality of the facts and circumstances and also the fact that the trial is likely to take long time and the petitioner is already behind bars for almost 05 months, therefore, no fruitful purpose will be served by keeping the petitioner behind bars, therefore, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate, concerned.

The present petition is, therefore, allowed.

(SANDEEP MOUDGIL)
JUDGE

17.11.2022

poonam negi

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>