

CRM-M-37741-2023

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

222

CRM-M-37741-2023
Date of decision: 20.11.2023

Sonu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Sarvesh Kumar Gupta, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.195 dated 10.07.2020 registered under Sections 148, 149, 323, 427, 452 and 302 IPC, at Police Station Israna, District Panipat.

2. It is submitted by learned counsel for the petitioner that the case against the petitioner is concocted. The petitioner had never participated in the alleged crime. Even as per the story of the prosecution, the allegation against the petitioner is that he was present as a member of unlawful assembly at the time of commission of murder by the other co-accused. No injury is specifically attributed as having been caused by the petitioner to either the deceased or to any other witness. The name of the petitioner was not even mentioned in the statements recorded under Section 161 Cr.P.C. The petitioner is in custody since 31.07.2020. The investigation of the case is complete and the evidence is going on. The

CRM-M-37741-2023

petitioner is not involved in any other case. Hence, the petitioner deserves to be released on bail pending trial.

3. Notice of motion.

4. Mr. Gagandeep Singh Chhina, AAG, Haryana, accepts notice on behalf of the respondent-State.

5. Mr. Rahul Jaswal, Advocate, puts in appearance on behalf of the complainant.

6. Learned State counsel, on instructions from the concerned police official, and being assisted by learned counsel for the complainant, has submitted that the petitioner is involved in a heinous crime. A *danda* has already been recovered from him. In any case, he was the member of the unlawful assembly in which one young boy was killed by the co-accused. However, it is not disputed that there is no specific injury attributed to the petitioner having been caused to either any witness or to the deceased. It is also not disputed that the petitioner is in custody since 31.07.2020 and that there is no other case against the petitioner.

7. In view of 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.

20.11.2023

parveen kumar

(RAJBIR SEHRAWAT)
JUDGEWhether reasoned/speaking?
Whether reportable?Yes/No
Yes/No