

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

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CRM-M-41352-2023 (O&M)

Date of decision: 25.08.2023

Rajpal

....Petitioner

Versus

State Of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Brijender Kaushik, 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, 302, 323, 427, 452 of 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 is not involved in the crime as alleged against him. 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 petitioner is in custody since 15.07.2020. The investigation of the case is already over. The petitioner is not required for any investigation purposes. There is no other case registered against the petitioner. Hence, the petitioner deserves to be released on bail pending trial.

3. Notice of motion.

4. Mr. Viney Phogat, DAG Haryana accepts notice on behalf of respondent-State. Learned State Counsel, on instructions from the concerned

police official, submits that the petitioner is involved in a heinous crime. The rod had already been recovered from him. In any case, he was the member of unlawful assembly in which one young boy was killed by the co-accused. However, it is not disputed by learned State counsel that there is no specific injury attributed to the petitioner having caused to either any witness or to the deceased. It is also not disputed that there is no other case against the petitioner and that the petitioner is in custody since 15.07.2020.

5. In view 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.

(RAJBIR SEHRAWAT)
JUDGE

25.08.2023
S.Sharma(syr)

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No