

CRM-M-44165-2023

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217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44165-2023
Date of Decision: 12.09.2023

Sanjay @ Sanju

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Ms. Shaveta Sanghi, Advocate, and
Mr. Aditya Sanghi, Advocate,
for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana,
for the respondent.

RAJBIR SEHRAWAT, J. (ORAL)

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.526 dated 16.09.2021, registered under Sections 394, 397, 302, 34 and 396 of the Indian Penal Code, 1860, and Sections 25(1)(a), 25(1-B) (a) & (b), 27(1) of the Arms Act, 1959, at Police Station Pundri, District Kaithal.

It is submitted by the learned counsel for the petitioner that the case against the petitioner is totally concocted and fabricated. The petitioner is not involved in the crime as alleged against him. Even, as per the story of the prosecution, the petitioner is alleged to be having a pistol and the same was got recovered from him. However, the FSL report has not confirmed the fact of the weapon having been used in the offence. Moreover, even the complainant, who happens to be the son of the deceased, has not supported

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the case of the prosecution and that the co-accused of the petitioner has already been granted bail pending trial by this Court vide CRM-M-31120-2023 decided on 23.08.2023. The petitioner is in custody since 08.11.2021. Therefore, the petitioner deserves to be released on bail pending trial.

On the other hand, learned State counsel, being instructed by SI Mahipal, has submitted that the petitioner is directly involved in the case. He was having a pistol and the same was recovered from him. Not only that the petitioner is a habitual offender and he is also involved in one more case. Therefore, the petitioner does not deserve any concession of bail pending trial. However, it is not disputed by learned State counsel that the petitioner is in custody since 08.11.2021 and that the complainant has not supported the case of the prosecution. It is also not disputed that the co-accused of the petitioner has already been granted bail pending trial by this Court.

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

12.09.2023
adhikari

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No