

215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4327-2019 (O&M)
Date of decision:28.02.2019

Gaurav Sharma @ Akshay ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Aditya Jain, Advocate, for the petitioner.

Mr. Parveen Aggarwal, DAG, Haryana.

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of bail pending trial in case FIR No.319 dated 22.07.2018 under Sections 307, 323, 427, 148, 149 of IPC and Section 25/54 of Arms Act, registered at Police Station Faridabad NIT, District Faridabad.

Learned counsel for the petitioner contends that the allegation against the petitioner is that the petitioner was armed with rods and baseball bat and is alleged to have broken the glasses of the car of the complainant. The fire shot, which has invited Section 307 of IPC, is not even attributed to the petitioner. Still further, it is contended that although the police have fabricated recovery of country made pistol from the petitioner, however, there is nothing even stated that the said pistol was ever used by the petitioner in this incident. Learned counsel for the petitioner has also submitted that the petitioner is in custody since 26.07.2018, the challan has already been filed in this case and even the charge has been framed. Therefore, he is not required for any investigation purpose.

On the other hand, learned State counsel, being instructed by ASI Kailash, submits that there is recovery of country made pistol from the

petitioner and that the petitioner is involved in several other cases of similar nature. However, it is not disputed that the petitioner is not alleged to have fired and that charge has already been framed in this case.

As response to the argument of learned counsel for the State, learned counsel for the petitioner has submitted that the petitioner is already on bail in all other cases. The petitioner is not in custody in any other case except the present one.

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

28.02.2019

Hemlata

Whether speaking/reasoned	Yes / No
Whether reportable	Yes / No