

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

CRM-M- 16615 of 2015

Date of Decision: 2.7.2015

Yogesh

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr.Shilak Ram Hooda, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No. 388 dated 5.8.2014 registered under Sections 148/149/302/307/120-B IPC read with Section 25 of the Arms Act, at Police Station Civil Lines, District Rohtak.

Notice to the Advocate General, Haryana.

On the asking of the Court, Mr. Ashish Yadav, Additional A.G. Haryana, accepts notice.

Learned counsel for the petitioner submits that since the petitioner was not named in the FIR, there was no scope for levelling allegations against him. He further submits that the petitioner has been falsely implicated in the present case. The investigating agency

has connected the petitioner with crime only on the basis of recovery of a motorcycle from outside the house of the petitioner. He concluded by submitting that since only challan has been presented and charge has not been framed by the learned trial court so far, trial will take long time. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Anil Kumar, Police Station Civil Lines, Rohtak, submits that petitioner was not named in the FIR due to inadvertent mistake. However, petitioner was named by another eyewitness namely Amit @ Kaka on the same day, alleging that it was the petitioner who was driving one of the motorcycles on which the assailants came at the spot. He further submits that since the petitioner was very much present at the time and place of occurrence, he is not entitled for bail. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that in the given fact situation of the present case, petitioner has been found entitled for bail pending trial. It is so said, because admittedly petitioner has not been named in the FIR. No allegation of any kind, whatsoever, has been alleged against the petitioner in the FIR. Under these circumstances, presence of the petitioner at the time and place of occurrence will be a moot point. Petitioner is inside the jail from 30.8.2014 and since even the charge has not been framed by the

learned trial court so far, conclusion of trial will take some time.

In view of the above and without commenting any further on the merits of the case, at this stage, lest it should prejudice the rights of either of the parties, present petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing bail bonds/surety bonds to the satisfaction of learned trial court.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

2.7.2015
Ak Sharma