

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

**CRM-M-20941 of 2015
Date of Decision:17.7.2015**

Varsali @ Varas Ali

--Petitioner.

Vs.

State of Haryana

--Respondent.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Babbar Bhan, Advocate
for the petitioner.

Mr. Ashish Yadav, Additional A.G. Haryana.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No. 5 dated 7.1.2015 under Sections 7/13/49/88 of the Prevention of Corruption Act, registered at Police station SVBP, Hisar.

Learned counsel for the petitioner submits that petitioner is inside jail for the last more than seven months. He further submits that since the complainant, while appearing before the Court as PW2, did not support the prosecution version, petitioner is entitled for the concession of bail pending trial. He prays for allowing the present petition.

On the other hand, learned counsel for the State submits that although it is true that complainant has not supported the prosecution story, however, that itself may not be a sufficient ground for acquittal of the accused. He further submits that conviction of the accused can still be recorded on the basis of other evidence because

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the petitioner was caught red handed and recovery was also effected in the presence of shadow witness. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties, 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, particularly the material fact that complainant himself has not supported the prosecution version, petitioner has been found entitled for the concession of bail pending.

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

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

17.7.2015
AK Sharma