

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

**CRM-M No. 2265 of 2015 (O&M)
Date of decision: 26.03.2015.**

Asru Petitioner.
Versus
State of Haryana Respondent.

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present:- Mr. Kamaljeet Singh Sidhu, Advocate, for the petitioner.
Ms. Harpreet Kaur, AAG, Haryana, for the respondent.
Ms. Sharmila Sharma, Advocate, for the complainant.

NAVITA SINGH, J.

Statement of Abida stands recorded on 23.03.2015. In the FIR, Ansar son of Asru and Rashid son of Yakub were named who were allegedly present with other persons whose names were not known to Abida. However, she named Asru and further down the line, she stated that at village Babupur 6-7 persons were found present and one of them was Asru (petitioner). She stated in the cross-examination that she had not disclosed the name of the petitioner to the police or to the magistrate before whom she made statement under Section 164 of the Code of Criminal Procedure.

The petitioner was named in the supplementary statement of complainant Mubarik, who happens to be the brother of Abida. Statement under Section 164 of the Code of Criminal Procedure was recorded on 10.09.2014, as stated, and before that the petitioner had already been

arrested, but he was not named by the prosecutrix in the statement made before the Magistrate.

The petitioner is in custody since 25.08.2015 and the star witness of the case already stands examined. The offence was allegedly committed by Juhru, Shakil and Jallu and not by the petitioner and the allegations against him was that entire jewelry etc. which was stolen had been handed over to him. However, regarding the theft, no offence was included in the FIR.

In view of the facts and circumstances as above, the petition is allowed and the petitioner is admitted to bail subject to his furnishing bail bonds to the satisfaction of Trial Court/Duty Magistrate.

(NAVITA SINGH)
JUDGE

26.03.2015
Ramesh