

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

CRM-M-31200-2015

Date of decision: 18.09.2015

Rajinder Sharma

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. S.S. Nara, Advocate
for the petitioner.

Mr. Manoj Kumar Sangwan, DAG, Haryana.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.554 dated 09.12.2014 under Sections 380, 420, 120-B IPC, registered at Police Station Sector-5, Panchkula.

Learned counsel for the petitioner submits that petitioner was not named in the FIR. His name came to be disclosed by his co-accused, during the course of investigation and that too, only before the police. He further submits that no recovery has been effected from the petitioner. Since the report under Section 173 (2) Cr.P.C. is yet to be presented to the learned Court of competent jurisdiction, conclusion of trial will take pretty long time. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Nasib Singh, Police Station Sector-5, Panchkula, submits that although petitioner was not named in the FIR but his involvement has been duly established on record. He has been found to have played an active role

in the commission of offence. 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 contentions raised, this Court is of the considered opinion that in the given fact situation obtaining in the present case, petitioner has been found entitled for bail pending trial. It is so said because petitioner was not named in the FIR. His name came to be disclosed by his co-accused in his disclosure statement suffered before the police. In such a situation, it shall be a debatable issue before the learned trial Court, as to whether petitioner, as a matter of fact, participated in the commission of offence or not. Further, since the challan is yet to be presented, conclusion of trial will take some time.

In view of the above and without commenting anything further on merits 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 bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate, Panchkula.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

18.09.2015
vishnu