

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

CRM-M-33679-2015

Date of decision: 06.10.2015

Joginder

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. N.K. Malhotra, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.143 dated 17.07.2015 under Sections 323, 341, 354-A IPC and Section 3 of SC&ST Act, registered at Police Station Lakhan Majra, District Rohtak.

Learned counsel for the petitioner submits that the allegations levelled against the petitioner are absurd on the face of it. Petitioner has been falsely implicated in the present case. He also submits that since the charge has not been framed so far, conclusion of trial will take time. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Shankar Lal, Police Station Lakhan Majra, Rohtak, submits that since the allegations against the petitioner are direct and serious, he is not entitled for bail pending trial. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties and after careful perusal of the record of the case, this Court is of the considered view that in

the peculiar facts and circumstances of the case, petitioner has been found entitled for bail pending trial. It is so said because keeping in view the nature of allegations against the petitioner, it will be a debatable issue before the learned trial Court, as to whether the petitioner, as a matter of fact, committed the offence in question or not. Further, since the charge is yet to be framed, 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 trial Court.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

06.10.2015
vishnu