

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-33968-2015
Date of decision: 9.10.2015

Yuvraj

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr. Ramesh Sharma, Advocate for the petitioner.
Mr. Kapil Aggarwal, Addl. A.G., Haryana.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks bail pending trial in FIR No.554 dated 9.12.2014 registered under Sections 380/420/201/120-B IPC at Police Station Sector-5, Panchkula.

Learned counsel for the petitioner submits that petitioner was not named in the FIR. He came to be falsely implicated by the investigating agency on the alleged disclosure statement made by his co-accused. Challan has already been presented. He further submits that petitioner is inside the jail for the last more than two months. He also submits that since charge is yet to be framed, conclusion of trial will take some 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 since the involvement of the petitioner has duly established on record and charges were serious in nature, he is not entitled for bail pending trial, at this stage. He prays for dismissal of the instant 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 opinion that keeping in view the totality of facts and circumstances of the case, petitioner has been found entitled for bail pending trial. It is so said, because initially petitioner was not named in the FIR. In such a situation, it shall be a debatable issue before the learned trial Court as to whether

petitioner, as a matter of fact, actually participated in the commission of offence or not. Further, since the report under Section 173 (2) Cr.P.C. has been filed at a belated stage and that too without disclosing any reason for the delay, conclusion of trial will also take some time.

In view of the above and without commenting anything further on merits of the case, at this stage, lest it should prejudice the rights of either of the parties, the 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.

9.10.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE