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

**CRM-36789-2015 in/and
CRM-M-34922-2015
Date of decision: 05.11.2015**

Vinod Kumar Sharma

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Shiv Kumar, Advocate
for the applicant-petitioner.

Mr. Daljit Singh Virk, AAG, Punjab.

Mr. Anuj Balian, Advocate
for the complainant.

RAMESHWAR SINGH MALIK, J. (ORAL)

CRM-36789-2015

Applicant seeks permission to place on record the statement of
complainant Parveen Sharma as Annexure P-2.

Application is allowed, as prayed for. Statement is permitted to
be placed on record.

CRM stands disposed of.

CRM-M-34922-2015

Petitioner seeks bail pending trial in FIR No.35 dated
25.05.2011 under Sections 302, 34 IPC, registered at Police Station Phase
XI, District SAS Nagar (Mohali).

Learned counsel for the petitioner submits that during the

investigation, investigating agency declared the petitioner as innocent. However, at a later point of time, complainant tried to take a complete somersault, while appearing before the Court. On the basis of his said statement, application moved by the prosecution under Section 319 of the Code of Criminal Procedure ('Cr.P.C.' for short) was dismissed by the learned trial Court, however, that was allowed by this Court and the petitioner was ordered to be summoned as an additional accused to face the criminal trial. He further submits that petitioner shall face the trial but he is entitled for bail pending trial because prosecution evidence is still going on and 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 Balraj Singh, Police Station Phase-XI, SAS Nagar (Mohali) as well as learned counsel for the complainant submit that since the petitioner now stands to face the trial and specific role has been attributed to him, he is not entitled for bail pending trial, at this stage. They pray for dismissal of the present petition.

Having heard the learned counsel for the parties and after going through the record of the case, this Court is of the considered opinion that keeping in view the peculiar fact situation obtaining in the present case, petitioner has been found entitled for bail pending trial. It is so said because the investigating agency itself declared the petitioner as innocent. So far as his summoning with the aid of Section 319 Cr.P.C. is concerned, there is no denial to the fact and the petitioner shall face the trial. However, it is equally true that since the prosecution evidence is still going on, 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 and the 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**

05.11.2015
vishnu