

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

CRM-M-36579-2015

Date of decision: 03.11.2015

Sunny

... Petitioner

Vs.

UT of Chandigarh

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Vivek Kathuria, Advocate
for the petitioner.

Mr. G.S. Chahal, Addl. PP, U.T. Chandigarh.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.289 dated 03.08.2015 under Section 306 IPC, registered at Police Station Sector-36, Chandigarh.

Learned counsel for the petitioner submits that petitioner is neither named in the FIR nor he was present at or near the place of occurrence. In fact, petitioner was inside the jail on the date of occurrence, because of which false implication of the petitioner is clearly established. He prays for allowing the present petition.

On the other hand, learned counsel for the State (U.T. Chandigarh), on instructions from SI Hari Om, Police Station Sector-36, Chandigarh, submits that since the petitioner has been found involved in the present case on the basis of material collected against him, he is not entitled for bail pending trial. He prays for dismissal of the present petition.

After hearing learned counsel for the parties and 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 admittedly petitioner was inside the jail on the date of alleged occurrence. This seems to be the reason that petitioner was not named in the FIR. Further, since the charge is yet to be framed against the petitioner, 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

03.11.2015
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