

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

CRM No.M-2416 of 2016 (O&M)

Date of Decision: 18.03.2016

Rahul @ Ganja

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Kamal Sharma, Advocate for the petitioner.

Mr. Vivek Saini, DAG, Haryana.

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TEJINDER SINGH DHINDSA, J.

Petitioner seeks benefit of regular bail pending trial in case FIR No.217 dated 10.06.2015, under Sections 332/353/186/148/149/333/307/216 IPC and Section 25 of the Arms Act, registered at Police Station Matlauda, District Panipat.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Constable Satish Kumar who stated that on the intervening night of 09/10.06.2015, he was on duty along with EASI Krishan at the Pathri Mata Fair. At about 1:20 A.M., the complainant had proceeded to make an announcement on the mike regarding a lost child who had got separated from his parents. It is stated that at that point of time i.e. at 01:31 A.M., complainant received a telephonic call from EASI Krishan Kumar to reach immediately as somebody had injured him with a knife. Complainant, as such, upon reaching the spot, found EASI Krishan in a pool of blood and blood was oozing from his stomach. FIR was lodged on the statement that certain unknown assailants had inflicted knife injuries to EASI Krishan Kumar.

It so transpires that the present petitioner has been implicated in the case upon the statement of injured, EASI Krishan Kumar having been

recorded on 17.06.2015 in which he named a total of 3 assailants.

Petitioner was arrested on 21.07.2015.

Investigation in the case is complete. Challan stands presented. Even charges were framed.

Learned State counsel upon instructions from ASI Jagbir Singh would apprise the Court that out of 20 prosecution witnesses cited only 6 have been examined till date. The trial, as such, would take time to conclude.

This Court finds that the contention raised by the learned counsel for the petitioner that a false case has been planted on the present petitioner is not completely without merit. The FIR is stated to have been lodged on 10.06.2015 at 08:50 P.M. in relation to an occurrence that took place allegedly at about 01:30 A.M. and whereupon the complainant, Constable Satish Kumar had reached immediately at the spot. The delay of 18 hours has got unexplained. That apart, even though injured, Krishan Kumar had specifically named the present petitioner, the police authorities proceeded to arrest 13 boys and out of which 7 were discharged subsequently.

It has gone uncontroverted that no test identification parade was conducted in the present case.

In an overview of the matter and keeping in view the length of incarceration already suffered by the present petitioner, he is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Panipat.

Disposed of.

18.03.2016

shubham

(TEJINDER SINGH DHINDSA)
JUDGE