

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

Sr. No.206

CRM NO. M-35866 of 2016
DECIDED ON: December 05, 2016

PAWAN

..PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Bijender Dhankhar, Advocate,
for the petitioner.

Ms. Harpreet Kaur, DAG, Haryana.

JASPAL SINGH, J. (ORAL)

By virtue of instant petition preferred under Section 439 Cr.P.C., petitioner Pawan has sought bail in case FIR No. 147, dated March 15, 2016, under Sections 307 & 212 read with Section 34 IPC, Section 25 of Arms Arms Act, 1959 and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Hodal, District Palwal, during the pendency of trial.

Learned counsel for the petitioner stated that petitioner was arrested in this case on 02.05.2016 and after he was subjected to custodial interrogation, he was remanded to judicial custody. On conclusion of the investigation, report under Section 173(2) Cr.P.C. has already been presented. Thereafter, the case was committed to court of Sessions as offence under Section 307 IPC was exclusively triable by the court of Sessions. After framing of charge, petitioner has already been examined.

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Complainant/injured namely Suraj appeared before the trial court as PW-13 but he did not toe the line of prosecution and resiled from his statement unfolded to the police during investigation. Similarly, other alleged eye-witnesses namely Nikesh, who is brother of aforesaid Suraj also did not support the prosecution version and resiled from his statement made to the police under Section 161 Cr.P.C. only formal witnesses remain to be examined.

Taking into consideration the aforesaid aspects and without expressing any opinion on the merits of the case, this court finds that a case is made out to grant the concession of bail to the petitioner, instant petition stands allowed. Petitioner is ordered to be released on bail to the satisfaction of the trial Court/Duty Magistrate.

December 05, 2016
Avin/Ankur

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No