

Crl. Misc. No. M-14869 of 2018

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-14869 of 2018

DATE OF DECISION:05.12.2018

Rajender

.....Petitioner

Versus

State of Haryana

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Ankur, Advocate for
Mr. Rajesh Khandelwal, Advocate
for the petitioner.

Mr. R.S. Doon, AAG, Haryana.

DAYA CHAUDHARY, J.

The present petition under Section 439 Cr.P.C. has been filed by petitioner-Rajender for grant of regular bail to him in case FIR No. 0007 dated 10.1.2018 registered under Section 323,324,326,341,506 and 34 IPC at Police Station Barwala, District Hisar.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in this case, whereas, there is no specific allegation against him. The bail petition filed by the petitioner before the trial Court was dismissed only on the ground that name of the petitioner is Rajender @ Janglee, whereas, in the challan petitioner-Rajender and accused-Janglee have been mentioned separately and the petitioner cannot be said to be Janglee also. The petitioner is in custody since 1.2.2018 and

nothing is to be recovered from him. Challan has been presented and after framing of the charges, statements of two witnesses have also been recorded.

Learned counsel for the respondent-State has not disputed the custody period but has opposed submissions made by learned counsel for the petitioner on the ground that inadvertently, it has been mentioned in the challan that petitioner-Rajender and accused-Janglee are different persons, whereas, the petitioner is also known by the name of Janglee. He also contends that only examination-in-chief of two witnesses has been done and they are yet to be cross-examined.

Keeping in view the submissions made by learned counsel for the petitioner and also the facts that the petitioner is in custody since 1.2.2018; two different names i.e. one Rajender and other Janglee have been mentioned in the challan; nothing has been pointed out as to how the petitioner is known by the name of Janglee; this fact is to be seen during trial only and nothing can be said at this stage, the present petition is allowed. Petitioner-Rajender is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

December 05, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes