

S.No.211

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

CRM-M-39690 of 2018 (O&M)

Date of Decision:18.09.2018

Lashkar Chand

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. R.S. Sidhu, Advocate
for the petitioner.
Mr. Hittan Nehra, Addl. AG,
Punjab.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.29 dated 18.03.2018 registered under Sections 451, 323, 326, 148, 149 IPC (offence under Section 307 IPC added later on) at Police Station Kharar, District SAS Nagar (Mohali).

Counsel for the petitioner contends that admittedly, the petitioner is not named in the FIR. The name of the petitioner has been dragged on the basis of allegedly secret information provided to the Investigating Officer at a Naka and consequent arrest by the Police and identification of the petitioner by the complainant. It is contended by the counsel that by any means, this is not a method of identification of an accused. It is further contended that the secret informant, who is alleged to have disclosed to the Police that the petitioner is the person involved in the incident of fight and, further that he can be found at a particular place, has not been cited even as a witness by the Police. Therefore, the fabrication of the arrest and identification of the petitioner by the Police is writ large on the face of it.

It is further contended that the petitioner is in custody since 19.03.2018. The charge has not been framed so far. Since the Magistrate has not even committed the case to the Court of Sessions Judge, the trial is likely to take long time.

On the other hand, counsel for the State submits that there are serious injuries attributed to the petitioner. The petitioner has been duly identified by the complainant and pursuant to the arrest, the recovery of weapon has also been effected from the petitioner.

As response to this, counsel for the petitioner submits that the recovery from the petitioner has also been fabricated in the same manner as was his arrest and identification.

In view of the submissions of counsel for the petitioner, but without commenting upon merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

September 18, 2018
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No