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

CRM-M No.41383 of 2018

Date of decision : 27.11.2018

Anil

.....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Vishal Malik, Advocate for the petitioner.

Mr. Vijesh Sharma, DAG, Haryana.

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DAYA CHAUDHARY, J. (Oral)

Petitioner Anil has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No.181 dated 13.06.2018 under Sections 188/323/325/379-B/506 read with Section 34 of the Indian Penal Code, 1860 (for short the 'IPC'), registered at Police Station Kunjpura, Distt. Karnal, during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case whereas there is no evidence to connect him with the commission of offence. As per case of the prosecution petitioner caused injuries to the complainant and his brother snatched an amount of ₹15,000/- from them. There was delay of three days in lodging of the FIR as alleged incident occurred on 10.06.2018 and FIR was registered

on 13.06.2018 which has even not been explained. Learned counsel further submits that actually there is scuffle between the parties and because of this reason the petitioner has falsely been implicated. Neither any specific role has been attributed nor recovery of old currency notes was effected from the petitioner. Learned counsel also submits that petitioner is in custody since 26.06.2018 no purpose would be served by detaining him in custody any further. On the same set of allegations one Vikas has been exonerated by the investigating agency.

Learned State counsel has not disputed the stage of the trial as well as custody period but opposes grant of bail to the petitioner on the ground that there is sufficient evidence against him for involvement of the petitioner in the case.

Heard arguments of learned counsel for the parties and have also perused the contents of the FIR and other documents available on the file.

Keeping in view the role of the petitioner and recovery of old currency notes and also the fact that on similar allegations one Vikas has been found innocent and petitioner has been made as an accused, whereas there is no evidence against him the present petition is allowed and the petitioner is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court.

27.11.2018*sunil devi***(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No