

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

Criminal Misc. No.M- 5252 of 2018(O&M)

Date of Decision: February 14 , 2018.

Mahesh PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. R.A.Sheoran, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No.224 dated 07.08.2017 under Sections 306/376(2)/34 IPC and Section 3(2)(v) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Civil Lines Bhiwani, District Bhiwani.

It is submitted that the petitioner has been falsely implicated in this case. This is so reflected from the fact that all the material witnesses i.e., PW5 brother, PW6 cousin brother and PW8 the complainant/father of the deceased have not supported the prosecution version. Their statements recorded before

the learned trial court are attached with this petition as Annexures P2, P3 and P5, respectively. The petitioner, it is submitted, is not involved in any other criminal case. It is thus prayed that this petition be allowed.

Learned counsel for the State, on instructions from ASI Ram Avtar, is unable to deny that the complainant as well as the material witnesses have not supported the prosecution version. It is verified that the petitioner is not reported to be involved in any other criminal case.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

February 14, 2018.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No