

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

**CRM-M-187-2019 (O&M)**

**Date of decision:14.01.2019**

Kuldeep

....Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

Present: Mr. Rajinder Singh Nain, Advocate  
for the petitioner.

Mr. Manish Dev Sharma, D.A.G., Haryana.

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**RAJBIR SEHRAWAT, J. (ORAL)**

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of bail pending trial in case FIR No.468 dated 11.11.2018 under Sections 379-B, 452, 332, 353, 186 and 506 IPC, registered at Police Station City Tohana, District Fatehabad.

Learned counsel for the petitioner submits that the petitioner is not involved in any crime, as alleged in the FIR. It is further contended that it is an admitted fact that there has already been a dispute between the petitioner and the complainant of the present case. Only to settle that score, the complainant used his official position to fabricate the FIR against the petitioner. It is further contended that admittedly there is no grievous injury caused to anybody in this incident. The MLR shows only contusion and abrasion. The counsel submits that the petitioner is in custody since 11.11.2018. Charge has been framed. However, no witness has been examined by the prosecution so far. In the end, counsel for the petitioner has also submitted that there is no other case against the petitioner.

On the other hand, counsel for the State; being instructed by ASI Satish Kumar, submits that the petitioner has obstructed the Government servant from performing his duty; while the later was working in his office. It is further contended that mobile phone of the complainant is recovered from the petitioner, to show the complicity of the petitioner in the crime. However, it is not disputed that challan has already been filed in this case and charge has been framed but no witness has been examined. It is also not disputed that there is no other case against the petitioner.

In view of the above submissions made by counsel for the petitioner but without expressing any opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

**(RAJBIR SEHRAWAT)**  
**JUDGE**

**14.01.2019**

*ps-I*

*Whether speaking/reasoned*  
*Whether reportable*

*Yes / No*  
*Yes / No*