

216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4882-2019 (O&M)

Date of decision:12.03.2019

Dinesh Poonia

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Atul Lakhanpal, Senior Advocate with
Ms. Bably Kumari, Advocate
for the petitioner.

Mr. Parveen Aggarwal, DAG, Haryana.

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.182 dated 04.09.2017 under Sections 147, 148, 149, 302, 120-B, 216 of IPC and Section 25 of Arms Act, registered at Police Station Bass, District Hissar.

Learned counsel for the petitioner contends that the case against the petitioner has been concocted after the petitioner was taken in custody in another case. Otherwise, it was not even the case of the prosecution that he was present at the place of occurrence at the time of actual incident of killing the deceased. The only allegation against the petitioner is that the petitioner had supplied the weapon to the assailants which was used by them. However, even to substantiate this allegation, the prosecution has not been able to collect any evidence during the investigation. Except the disclosure statement of the co-accused, there is no evidence to even remotely suggest this role against the petitioner. It is further submitted that in any case, the petitioner is in custody since 18.01.2018. He is being wrongly incarcerated in jail just because the

prosecution is not examining their witnesses. It is further has pointed out that only one witness has been examined, out of 56 witnesses. Still further, it is submitted that the petitioner is not required for any investigation purposes and the trial is likely to take long time to get completed.

On the other hand, learned State counsel, being instructed by ASI Mohan Lal, submits that the petitioner is a hardcore criminal. He has five cases against him; including other cases under Section 302 IPC. However, it is not disputed that the petitioner is in custody since 18.01.2018 and that only one witness has been examined so far, out of 56 witnesses.

As reply to the submissions made by learned counsel for the State, learned counsel for the petitioner has submitted that merely because other false cases have been created against the petitioner; is no ground to deny the concession of bail to the petitioner in this case. It is submitted by the learned counsel for the petitioner that the application for bail in the present case is to be considered only as per the allegations and the evidence against the petitioner collected in this case.

In view of the above, but without commenting any further on merits of the case, the present petition is allowed and 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

12.03.2019
Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No