

S.No.212

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

CRM-M-12102 of 2019 (O&M)

Date of Decision:21.08.2019

Aman Petitioner
Vs.
State of HaryanaRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Vipin Pal Yadav, Advocate
 for the petitioner.
 Mr. M.D. Sharma, AAG, Haryana.

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.471 dated 21.09.2018 registered under Sections 148, 149, 302, 323, 325, 506 IPC at Police Station Model Town, Rewari.

It is contended by counsel for the petitioner that the case against the petitioner is totally concocted. In the first instance, the complainant had not even named the petitioner as the assailant. The complainant had only specified 5-6 named persons as the assailants. However, as per the claim of the Police, the complainant is alleged to have subsequently, given the names of other 20 persons, including the name of the petitioner as the accused, along with the originally named five persons. It is further submitted by the counsel for the petitioner that since the petitioner also happen to be the student at the same place where the complainant was; and the complainant claims to have known the petitioner by name, therefore, had the petitioner been involved in the case, the complainant would have named him in the first instance itself. However, the petitioner was not originally named in the FIR. Even during the

investigation, the Police have not been able to collect any evidence against the petitioner to connect him to the alleged crime. Even in the challan papers, supplied to the petitioner, there is no document showing any participation of the petitioner in the alleged incident. It is further submitted that the petitioner is in custody since 25.09.2018. The charge has already been framed. However, out of 26 witnesses, only one witness has been examined so far. The trial is likely to take long time to conclude. Therefore, the petitioner deserves to be released on bail.

On the other hand, learned State Counsel, being instructed by SI Manphool Singh, submits that there are photographs taken from CCTV footage of the area wherein the petitioner is shown to be present in the same street, along with several other persons, where the incident had taken place. However, it is not disputed that there is no evidence found during investigation to show any positive participation in the incident, on the part of the petitioner. It is also not disputed that nothing has been recovered from the petitioner. Still further, although counsel for the State has relied upon some photographs, however, it is not disputed that even the said photographs do not form part of the challan filed against the petitioner.

In view of the above, but without commenting any further upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

August 21, 2019
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No