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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18371-2019 (O&M)

Date of decision:13.05.2019

KULDEEP @ TONY

... Petitioner

versus

STATE OF HARYANA AND ANR.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sanjiv Kumar Aggarwal, Advocate,
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

HARI PAL VERMA, J.(Oral)

CRM-14940-2019

Prayer in this application filed under Section 482 Cr.P.C. is to
place on record Annexure P-4.

For the reasons stated in the application, same is allowed and
the document Annexure P-4 is taken on record.

CRM-M-18371-2019

Prayer in the present petition filed under Section 439 Cr.P.C. is
for grant of regular bail to the petitioner in case FIR No.21 dated 15.01.2019
registered under Section 376-D of IPC and Section 67 of I.T. Act at Police
Station Indri, District Karnal.

Counsel for the petitioner has argued that the present is a case
where no victim has come forward to depose against the petitioner. The FIR

was registered at the behest of Ex-Sarpanch Ram Kumar and the contents of the FIR are based upon some video clip. He further states that it is on the basis of disclosure statement made by Ram Tyagi, the petitioner is being arrayed as an accused. Moreover, in the initial disclosure statement made by Ram Tyagi on 21.01.2019, the name of the petitioner has not been mentioned. It is on a subsequent disclosure statement, said Ram Tyagi has deposed against the petitioner. Ram Tyagi is an accused and the statement of the co-accused cannot be read into against the petitioner and that too in the absence of the victim. Petitioner is in custody since 24.01.2019.

Learned State counsel does not dispute the custody of the petitioner. However, when this Court has put a specific query to the State counsel to disclose the name of the victim or the aggrieved person, she, on instructions from SI Hari Kishan, states that it is only on the basis of the video clip, the police has registered an FIR which is based on the statement of Ram Kumar, Ex-Sarpanch of the village.

I have heard learned counsel for the parties.

In the absence of the aggrieved person, who may come forward to depose against the petitioner, this Court at this stage deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

13.05.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No