

218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19754-2019 (O&M)

Date of decision:04.07.2019

Ram Mehar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Mohit Garg, Advocate
for the petitioner.

Mr. Vikas Malik, DAG, 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.245 dated 28.07.2018 registered under Sections 364, 302, 201, 34 of IPC and Section 3 of SC & ST Act, 1989, at Police Station Bhuna, District Fatehabad.

Learned counsel for the petitioner submits that the case against the petitioner is concocted only as an after thought. There is not even any evidence with the prosecution to show that the death of the deceased was an unnatural death. The name of the petitioner has been involved in this case by the complainant attributing the same to the alleged eye-witness-Pritam Singh. However, the said Pritam Singh has already been examined before the Court and he has not supported the case of the prosecution. Besides the statement of the alleged eye-witness, there is no claimed evidence connecting the petitioner with any crime. It is further submitted that the petitioner is in custody since 31.07.2018. Only one witness has been examined by the prosecution and even he has not supported his case. The trial is likely to take a long time. There is no other case against the

On the other hand, learned State counsel, being instructed by SI Bhup Singh, submits that the name of the petitioner was positively mentioned by the eye-witness. Even the petitioner had made a disclosure statement admitting his guilt. However, it is not disputed by the learned State counsel that there was no scientific evidence with the prosecution to show that the deceased died an unnatural death. It is also not disputed that the only witness, i.e. the alleged eye-witness, who has been examined by the prosecution, has not supported the case of the prosecution. Still further, it is not disputed that there is no other case against the petitioner and that the petitioner is in custody since 31.07.2018.

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.

(RAJBIR SEHRAWAT)
JUDGE

04.07.2019
Hemlata

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