

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M-50650-2018

Date of Decision:13.03.2019

Babu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Manoj K. Tanwar, Advocate,
for the petitioner.

Ms. Mahima Yashpal, A.A.G., Haryana.

HARI PAL VERMA, J.(Oral)

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in FIR No.422 dated 06.11.2017 under Sections 365, 376-D, 506 IPC, registered at Police Station Matlauda, District Panipat.

Learned counsel for the petitioner has argued that in the aforesaid FIR, police has investigated the matter and found the petitioner innocent. Thereafter, on the basis of application filed by the prosecution under Section 319 Cr.P.C., petitioner was summoned.

Vide order dated December 14, 2018, this Court had directed to the petitioner to join the proceeding before the trial court within the period of two weeks and on his doing so, the trial court was directed to release him on interim bail.

Learned counsel for the petitioner states that pursuant to the

aforesaid order, petitioner has joined the proceedings before the trial court and has been admitted on interim bail. He has argued that the allegation if any is against co-accused Sonu @ Sohan Lal, who is in judicial custody. The mobile location of the petitioner does reflect that on the relevant date, petitioner was at a distance of 200 kms. at Chidawa, Rajasthan, whereas the prosecutrix was staying at Panipat.

Learned State Counsel has filed short reply by way of an affidavit of Sh. Vijender Singh, HPS, Deputy Superintendent of Police, Panipat, on behalf of the respondent-State, which is taken on record. The short reply so filed by the State does reflect that the investigation in the case was carried out. As regards location of the present petitioner, he was found present at Chidawa, Rajasthan and it is on the basis of location and other evidence, the petitioner was exonerated in the present case. Thereafter, on completion of the investigation in proper, fair and impartial manner, police has prepared the final report under Section 173 Cr.P.C. against the co-accused Sonu @ Sohan Lal. It is only on the basis of application filed by the prosecution under Section 319 Cr.P.C., the petitioner has been summoned as an additional accused along with co-accused Sonu @ Sohan Lal, which was allowed by learned Additional Sessions Judge/Special Judge, Panipat, vide order dated 26.09.2018.

Heard learned counsel for the parties.

In the initial version, the petitioner was found innocent by the police, though in the statement recorded under Section 164 Cr.P.C., the prosecutrix has named the petitioner as an accused but at the same time, she has made a supplementary statement exonerating the petitioner, this Court finds that culpability of the petitioner is yet to be established during the

course of trial.

Accordingly, since the petitioner has appeared before the trial court and joined the proceedings, the order dated December 14, 2018 passed by this Court whereby the petitioner was admitted on interim bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial court, is made absolute.

However, the petitioner shall continue to appear before the trial court and shall submit an undertaking that he will keep on appearing in the trial court.

It is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case.

The petitioner shall not extend any threat and shall not try to influence any prosecution witnesses directly or indirectly in any manner.

The present petition stands disposed of accordingly.

March 13, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No