

S.No.217

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

CRM-M-34853 of 2019 (O&M)

Date of Decision:30.08.2019

KashishPetitioner

Vs.

State of HaryanaRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Rakesh Dhiman, Advocate
for the petitioner.

Mr. Manoj Kumar Sangwan, DAG,
Haryana.

Mr. Ranjikan Upadhyay, Advocate
for the complainant.

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.113 dated 04.05.2019 registered under Sections 379-B/34 IPC (during the pendency of the instant bail before the learned Court, framed the charge under Section 397/34 IPC on 01.08.2019), at Police Station Mahesh Nagar, Ambala Cantt, District Ambala.

Learned counsel for the petitioner contends that the case against the petitioner had emerged because of misunderstanding with the complainant. Otherwise, the petitioner is not at all involved in this case. Even as per the case of the complainant, no injury is attributed to the petitioner, nor the alleged snatching is attributed to him. Still further, it is submitted that having realised the mistake, even the complainant has submitted an affidavit that the name of the petitioner was mentioned by the complainant only under misunderstanding. The affidavit to this effect is

already attached with the petition. Still further, it is submitted that the petitioner is in custody since 18.05.2019. Challan has already been filed. Charge has already been framed and the case is now at the stage of prosecution evidence. Therefore, the petitioner is not required for any investigation purposes.

On the other hand, learned State Counsel submitted that the petitioner has been specifically named by the complainant. However, it is not disputed that there is no recovery from the petitioner, nor any injury is attributed to him. It is also not disputed that charge has already been framed in this case.

In view of the above, but without commenting 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 30, 2019
renu

(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No