

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

226)

Crl. Misc. No.M-43072 of 2019(O&M)

Date of Decision: 03.12.2019

Rakesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Neeraj Sheoran, Advocate, for the petitioner.
Mr. Surender Singh, AAG, Haryana

Amol Rattan Singh, J. (Oral)

By this petition, filed under the provisions of Section 439 of the
Cr.P.C., the petitioner seeks the concession of 'regular bail'.

On 17.10.2019, the following order had been passed:-

“Learned counsel for the petitioner points to the testimony
of PW-1 (copy Annexure P2), to submit that the said witness has
specifically stated that he was seeing the petitioner for the first time in
Court and therefore, obviously, he was never present at the spot of
occurrence.

Learned State counsel seeks time to take instructions with
regard to whether or not the petitioner has been identified by any of the
other prosecution witnesses, who have testified so far.

Adjourned to 04.11.2019.”

Today, learned State counsel on instructions from the police
official who is present in court to assist him, submits that as a matter of fact
the only eye witness to the occurrence was the complainant himself and
though he has supported the case of the prosecution against other co-
accused, as regards the petitioner, he had stated that the petitioner was not
actually present on the spot.

Without making any comment on the actual merits of the case for or against the petitioner, I consider it appropriate to admit the petitioner to bail during the pendency of the trial.

Consequently, this petition is allowed. The petitioner would be enlarged on bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the trial Court.

03.12.2019
vcgarg

(Amol Rattan Singh)
Judge

Whether reasoned/speaking: Yes
Whether reportable: No