

S.No.229

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

CRM-M-48534 of 2019 (O&M)

Date of Decision:21.11.2019

Punit alias TanuPetitioner

Vs.

State of HaryanaRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. H.S. Brar, Advocate for the petitioner.

Mr. Manoj Kumar Sangwan, 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.916 dated 27.11.2018 registered under Sections 302, 148, 149, 506, 120-B IPC and Section 3 of SC/ST (Prevention of Atrocities) Act at Police Station City Sonapat, District Sonapat.

It is contended by learned counsel for the petitioner that the name of the petitioner was not mentioned in the FIR. In fact, in the FIR, only two persons were named, but subsequently, nine more persons have been included in the case, without there being any basis. The petitioner's name has also been sought to be included by alleging against him that he was keeping a watch outside when the actual assailants were committing murder of the deceased . However, even this allegation is based upon the alleged disclosure statement of the petitioner, which the petitioner never made and upon one statement of uncle of the deceased, which again is a hearsay version only. Therefore, even as per the case of the prosecution, there is nothing on record to connect the petitioner to the alleged crime.

The petitioner is in custody since 15.01.2019. The challan has already been

filed. Charge has also been framed. Appeal is likely to take long time. It is further submitted that there is no other case of any kind against the petitioner.

On the other hand, learned State Counsel, being instructed by HC Satender Kumar, submits that there is sufficient material against the petitioner to show his culpability in the crime. He has referred to the disclosure statement of the petitioner and the statement of the uncle of the deceased in this regard. However, it is not disputed that besides these two statements, there is no evidence connecting the petitioner to the alleged crime. It is also not disputed that the petitioner is in custody since 15.01.2019 and that the charge has already been framed.

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.

November 21, 2019**renu****(RAJBIR SEHRAWAT)
JUDGE**

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No