

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

**CRM-M-9606-2020
Decided on : 12.03.2020**

Goverdhan

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Aditya Sanghi, Advocate
for the petitioner(s).

Mr. Munish Sharma, Asstt. AG, Haryana
assisted by HC Sunil Kumar.

MANJARI NEHRU KAUL, J.

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 138, dated 16.05.2019, under Sections 148, 149, 323, 326-A, 342, 354-B, 376, 379-B, 452, 201 of IPC and Section 25 of the Arms Act, registered at Police Station Ateli, District Mahendergarh, Haryana.

Learned counsel for the petitioner has submitted that the occurrence in question took place about 03 years prior to the arrest of the petitioner. It has been contended that in fact, it was during the arrest of the petitioner in another case registered under Section 395 IPC, the role of the petitioner came to light, that too on an alleged confession made by him before the police. It was further submitted that the false implication of the petitioner was evident from the fact that the two material witnesses i.e. complainant and an eye-witness failed to identify the petitioner during trial.

Learned State counsel on the other hand while opposing the prayer for grant of regular bail to the petitioner, has submitted that 04 out of

22 prosecution witnesses cited have been examined as on date, which

include the complainant, who was examined as PW-2 and her husband who was examined as PW-3. Though learned State counsel opposed the prayer of the learned counsel for the petitioner for grant of regular bail, but was unable to controvert the submissions of the learned counsel for the petitioner that both the material witnesses failed to identify the petitioner during trial.

Heard.

Having considered the submissions made by either side, the petitioner has been behind bars admittedly since 21st July, 2019. Hence, no useful purpose would be served in keeping the petitioner behind bars, as the trial would take a considerable time to conclude. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed herein shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

March 12, 2020

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*