

S.No.203

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

CRM-M-13000 of 2020 (O&M)

Date of Decision:08.06.2020

Gian Ram @ Giani

.....Petitioner

Vs.

State of Punjab

.....Respondent

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IN VIRTUAL COURT

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CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Achin Gupta, Advocate for the petitioner.

Rajbir Sehrawat, J.(Oral)

CRM No.11293 of 2020

Application is allowed as prayed for.

CRM-M-13000 of 2020

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.108 dated 04.07.2019 registered under Sections 452/354/323/506/34 IPC (later on added Section 354-B IPC) at Police Station City Kotkapura, District Faridkot.

It is contended by counsel for the petitioner that the petitioner has not committed any crime, as alleged against him. The falsity of the case of the prosecution is clarified by the very fact that initially three more persons were involved in the case; along with the petitioner. However, subsequently, those three persons have been found to be innocent and have since been exonerated. Even against the petitioner, there is no evidence worth the name; except the statement of the complainant herself.

There is no other case against the petitioner. The petitioner is in custody since 25.07.2019. The investigation of the case is over and the petitioner is not required for any investigation purposes.

Notice of motion.

Mr. Ramdeep Partap Singh, DAG, Punjab, accepts notice on behalf of the State.

Learned State Counsel, on instructions from ASI Gurmukh Singh, submits that the petitioner has been retained as an accused only when the Police have found sufficient evidence against him. The prosecutrix has specifically named the petitioner. However, it is not disputed that three other persons; who were involved with the petitioner, have already been let off by the Police. It is also not disputed that the petitioner is in custody since 25.07.2019 and that the evidence before the trial Court has not even started so far.

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.

June 08, 2020
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No