

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

**CRM-M-13890-2020 (O&M)
Date of Decision: June 16, 2020**

PANKAJ Petitioner(s)

Versus

STATE OF HARYANA Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Lalit Kumar Yadav, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No.651, dated 13.12.2019 under Sections 323, 506, 307, 34 IPC, registered at Police Station Sadar Ballabgarh, District Faridabad.

It is submitted that the petitioner, who is the nephew (Bhatija) of the complainant, has been falsely implicated in this case due to a dispute regarding distribution of water in the fields. It is submitted that no such incident as alleged in the FIR had in fact, taken place. The complainant has involved the present petitioner, the petitioner's father Ramesh and one Tarun. The police during investigation found that no case against Tarun was made out as he was not even present on the spot. Tarun has been kept in Column No.2 of the final report under Section 173 Cr.P.C. as he was found present on duty at the relevant time. Learned counsel for the petitioner further points out that there is an unexplained delay in lodging of the FIR. The incident in question

allegedly took place on 08.12.2019 and the FIR was registered on 13.12.2019. As per the MLR, injured Dinesh Kumar was admittedly under the influence of alcohol. However, he was conscious, oriented but he refused to give a sample of his blood for the purpose of carrying out the test. It is noted in order dated 11.02.2020 (Annexure P-1) wherein the concession of interim anticipatory bail was granted to Ramesh Chand, that the Medical Ruka was received for the first time at the police station on 11.02.2020. It is noticed by the learned Additional Sessions Judge that the said Ruka is undated. While confirming the anticipatory bail of Ramesh Chand, learned Additional Sessions Judge, Faridabad has observed in para 5 of its order dated 04.03.2020 (Annexure P1) that as per the status report filed by the police authorities no incident as alleged in the FIR took place and it is further mentioned that cancellation report is likely to be submitted. However, final report/challan in this case was presented on 07.03.2020. The injured, it is submitted, is hale and hearty and the petitioner has been in custody since 03.01.2020. He is not involved in any other criminal case. It is thus prayed that this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for the State is unable to deny that the co-accused Tarun was found innocent during investigation as he was found to be on duty at the relevant time. Relationship between the petitioner and the complainant is not in dispute. The injured stands discharged from the hospital. The petitioner, it is verified, is not involved in any other criminal case. Challan/final report under Section 173 Cr.P.C. stands filed.

There is no apprehension expressed by the State that the petitioner is likely to abscond or influence the witnesses in any manner.

Trial in this case is likely to take some time for conclusion. No useful purpose shall be solved by keeping the petitioner incarcerated any longer.

Thus, keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

June 16, 2020
Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No