

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

CRM-M-14858-2020(O&M)

Date of decision: 02.09.2020

Gurmel

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Jasbir Singh Dadwal, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner has filed this petition under Section 439 Cr.P.C. read with Section 482 Cr.P.C. for grant of regular bail in case FIR No. 577 dated 14.12.2019 registered under Sections 307 and 34 IPC at Police Station Sector-5, Panchkula, District Panchkula.

Learned counsel for the petitioner states that neither the name of the petitioner has been mentioned in the FIR, nor he was present at the spot or ever participated in the occurrence.

Copy of the reply by way of affidavit dated 31.08.2020 of Assistant Commissioner of Police, Panchkula, submitted through email, is taken on record.

On the instructions from SI Rakesh, learned State counsel submits that during investigation, statement of Jaspal Singh-an eye witness, was recorded wherein he has stated that Rajesh was not present at the spot and it was accused-petitioner, who was present at the spot and had caught hold of the complainant from backside.

I have heard the learned counsel for the parties.

In the initial version, no allegation had been levelled against the petitioner and it was subsequently at the stage of investigation that Jaspal Singh had raised finger towards the petitioner.

The petitioner has been in custody since 15.12.2019; the charges are yet to be framed; the trial will take time to conclude and thus, no useful purpose would be served by detaining the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

02.09.2020

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No