

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

**CRM-M-15413-2020
Date of decision: 11.11.2020**

Sachin

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Vijay Kumar Jindal, Sr. Advocate with
Mr. Akshay Jindal, Advocate
for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Status report by way of affidavit of Deputy Superintendent of Police, Indri, Karnal has been filed in the registry. Copy of the same is taken on record.

The prayer in the present petition is for grant of regular bail in case FIR No. 458 dated 12.09.2019 under Sections 148, 149, 302, 323, 506, 201, 120-B of IPC, 1860 and under Section 25, 54, 59, of Arms Act, 1959 registered at Police Station Indri, District Karnal.

Learned counsel for the petitioner states the petitioner was not named in the FIR; that he has not even been named by the main accused in the disclosure statement and that no recovery was effected from the petitioner except a mobile which was surrendered by him to the police as the police had assured him that they would cite him as a witness but to the utter shock of the petitioner, the police has arrayed the petitioner as an accused in the present FIR. It is further submitted that the learned Additional Sessions Judge,

Karnal while declining the bail application of the petitioner has wrongly drawn a conclusion that recovery of a motorcycle and a knife was effected from the petitioner, whereas the fact remains that the same were recovered from Sachin Sandhu. It is further submitted that even as per the affidavit dated 02.11.2020 filed by the Deputy Superintendent of Police, Indri, District Karnal, there is no recovery of motorcycle or knife effected from the petitioner. Moreover, the petitioner has been in custody since 25.09.2019. Though the charges have already been framed yet no witness has been examined so far.

Per contra, the learned State counsel while opposing the prayer for bail, states that the petitioner was a part of the group of the assailants and that he had made the video of the occurrence and thus, the petitioner cannot be allowed to plead a false implication. However, the learned State counsel does not dispute the custody period of the petitioner.

I have heard learned counsel for the parties.

The petitioner has been in custody since 25.09.2019. Though the charges are stated to have already been framed, yet no witness has been examined thus far. Trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping 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 present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bond to the satisfaction of the learned trial Court/ Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

11.11.2020

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No