

S.No.208

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

CRM-M-16631 of 2020 (O&M)

Date of Decision:02.11.2020

Bittu @ Pola

.....Petitioner

Vs.

State of Haryana

.....Respondent

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IN VIRTUAL COURT

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CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Prabhjeet Singh Sullar, Advocate for the petitioner.

Rajbir Sehrawat, J.(Oral)

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.363 dated 06.07.2018 registered under Section 25 of Arms Act and 34/341/392/397/506 IPC at Police Station City Jind, District Jind.

It is submitted by learned counsel for the petitioner that the case against the petitioner is totally concocted. The recovery shown from the petitioner is also implanted. Although the State had claimed that there is CCTV footage showing the presence of the petitioner at the place of occurrence at the time of accident, however, in the status report now filed by the Police, they are not even asserting categorically that the petitioner is seen in the alleged footage. It is further submitted that, in any case, the petitioner is in custody for the past two years and two months. The investigation of the case is already over. However, in the duration of more than two years, only two witnesses have been examined by the prosecution out of 22 witnesses. The trial is likely to take long time. Hence, the petitioner deserves to be release on bail pending trial.

Notice of motion.

Mr. Arun Beniwal, DAG, Haryana, accepts notice on behalf of the State.

Learned State Counsel, on instructions from ASI Sudhir, has submitted that there are specific allegations against the petitioner. Even the recovery of part of the money was effected from the petitioner. Hence, the petitioner cannot assert the case to be fabricated one. However, it is not disputed that the petitioner has been in custody for more than two years now and the prosecution has examined only two witnesses out of 22 witnesses. But learned State Counsel has also submitted that there are, as many as, seven more cases against the petitioner. Hence, the petitioner does not deserve to be released on bail.

As response to this, learned counsel for the petitioner has submitted that the petitioner has already been granted bail pending trial in all other cases. As of today, the petitioner is not in custody in any other case except the present one.

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.

November 02, 2020
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No