

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

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IN VIRTUAL COURT

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**CRM-M No. 18386 of 2020
Date of decision : 29.7.2020**

Pawan Kumar

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Nonish Kumar, Advocate, for the petitioner

Rajbir Sehrawat, J. (Oral)

This petition has been filed by the petitioner under Section 439 of Cr.P.C. for grant of bail pending trial in case FIR No. 513 dated 1.11.2018, registered under Sections 302/34 IPC and Sections 3 (II) (V) of SC and ST Act, at Police Station Butana, District Karnal.

It is contended by the counsel for the petitioner that the case against the petitioner is totally concocted. Even the complainant has testified before the Court that the case was fabricated by the police by getting his signatures on blank papers. Accordingly, even the complainant has not supported the case of the prosecution. The name of the petitioner had been sought to be involved in the case only because of the apprehension that the present petitioner was having some prior grudge. Otherwise, neither the petitioner nor anyone of his family members is involved in the incident. In the first instance, four members of the family of the petitioner were involved. However, three of them were declared to be innocent by the police only. Except the testimony of the complainant, there was no substantive evidence against the petitioner. However, as mentioned above, even the complainant has not supported the case of the prosecution at all. The petitioner is in custody since 6.11.2018. Despite such a long custody, the prosecution has examined only two witnesses out of twenty witnesses. It is also submitted that there is no other case against the petitioner.

Notice of motion.

Mr. Vishal Malik, DAG, Haryana, accepts notice on behalf of the State.

Learned State counsel, being instructed by SI Sumer Singh, has submitted that the complainant had specifically named the petitioner as the accused in this case. The complaint is based upon statements of two more witnesses, namely; Balraj and Balkar, who had brought the injured son of the complainant from the roof top of the house of the present petitioner. The above said two witnesses are yet to be examined. However, it is not disputed that the complainant has not supported the case of the prosecution; in any manner. It is also not disputed that none of the two witnesses, referred to above, claimed to be the eye witnesses to the incident. It is also not disputed that the petitioner is in custody since 6.11.2018; and that there is no other case against the petitioner and; still further, that out of twenty, only two witnesses have been examined so far.

In view of the above, but without commenting any further on the merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail pending trial on his furnishing bail bonds/sureties to the satisfaction of the trial Court/ Duty Magistrate.

(RAJBIR SEHRAWAT)
JUDGE

29.7.2020

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No