

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

CRM-M-23309 of 2020.

Decided on:- December 22, 2020.

Moti Lal.

.....Petitioner.

Versus

State of Haryana and another

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Vijay Kumar Sheoran, Advocate
for the petitioner.

Mr. Bhupender Singh, D.A.G., Haryana.

Mr. Sumit Sangwan, Advocate
for respondent No.2.

HARI PAL VERMA, J. (Oral)

The petitioner has filed present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.485 dated 05.10.2018 under Sections 307/326-A/34 IPC (Challan presented under Sections 307/326-A/34/120-B IPC) registered at Police Station Baldev Nagar, District Ambala.

Learned counsel for the petitioner submits that the petitioner is in custody since 19.10.2018. He refers to the statement of PW6, victim in the case and PW9 complainant Jitender Kumar and submits that both these witnesses have not supported the case of prosecution.

Learned State counsel submits that as per the FIR, allegations levelled against the petitioner are serious and he is not entitled for bail.

I have heard learned counsel for the parties.

The victim in the case has been examined before the trial Court as PW6. The statement of the victim has been perused. In her cross-examination, she has stated that she had not seen the accused on the spot. The accused were on a bike and had thrown acid upon her. Since her eyes got closed, she could not see any of them. She had come to know about the names of accused from the police. She has further stated that it is incorrect to suggest that the acid attack was committed upon her by accused Moti Lal (petitioner herein) or other co-accused.

Considering the fact that the petitioner is in custody since 19.10.2018 and the victim (PW6) as well as complainant Jitender Kumar (PW9) did not support the case of prosecution, this Court finds that the petitioner deserves to be admitted on bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

December 22, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No