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

**CRM-35554-2021 in/and
CRM-M-12069-2021
Date of Decision : 25.10.2021**

Sandeep

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. A.S. Chahal, Advocate and
Mr. Rajvinder S. Jolly, Advocate
for the Petitioner.

Mr. Anmol Malik, Dy. Advocate General, Haryana
for the Respondent/State.

SUDIP AHLUWALIA, J. (ORAL)

CRM-35554-2021

For the reasons mentioned in the application, the Applicant/
Petitioner is permitted to place on record copy of Statement of the
Complainant as PW-3

Application stands disposed off.

CRM-M-12069-2021

The instant Petition has been filed under Section 439 of the
Code of Criminal Procedure seeking Regular Bail on behalf of the Petitioner
in case FIR No.471, dated 21.09.2018, registered under Sections 148, 149,
323, 325, 307, 506 of the Indian Penal Code (Section 302 IPC added later
on), at Police Station Model Town Rewari, Haryana.

2. The Petitioner by now has remained in detention for more than 3 years since 22.09.2018.

3. It has been contended by Ld. Counsel for the Petitioner that his Client has been unnecessarily roped in a false case. It has also been submitted that he is seen to be present near the place of occurrence in the CCTV footage of the relevant date, the various screen-shots of which have been placed on record as Annexure P-5 and specific attention of the Court has been drawn to the pictures on Page Nos.30 to 35 of the Paper-book in which the Petitioner is seen to be standing some distance away from rest of the people covered in the photographs and is mostly seen to be busy with his own cellphone while talking to someone.

4. On the last date this Court had granted time to the State to place on record the CCTV footage and screen-shots referred to in an earlier order passed on 09.04.2021.

5. Ld. State Counsel submits that such screen-shots have become available to him electronically and he would be in a position to place hard copies of the same on record if granted another short adjournment.

6. He, however, during the interaction on video conferencing has shown the screen-shots from the CCTV footage which according to him is part of the Challan Papers in which again the present Petitioner is seen to be talking only on his mobile-phone.

7. In this view of the matter and especially considering the

fact that trial in the case has come to a virtual stand still for almost 2 years, since it transpires that on the date when the Complainant's Statement as PW-3 was recorded (05.12.2019), an application under Section 319 Cr.P.C. was moved on behalf of the Prosecution for summoning some other co-accused persons to face trial. The said application is still indisposed off while the Petitioner by now has already undergone detention exceeding three years when the available material on record only points to his being present near the place of occurrence which otherwise is a public place, and having been largely engaged in talking on his own mobile-phone.

8. Further detention of the Petitioner for an indefinite period at this stage would, therefore, not appear to be called for. As such, without commenting any further on the other merits of the case but considering the long detention undergone by the Petitioner, as also the activity in which he is seen to be engaged (talking on the mobile-phone) in the CCTV footage, at this stage, he is ordered to be released on bail to the satisfaction of the Ld. Trial Court/Duty Magistrate concerned.

9. Disposed off.

October 25, 2021
Dpr

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No