

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.26771 of 2020 (O&M)
Date of Decision.23.02.2021

Aman Mallah

...Petitioner

Vs

State of Haryana

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Bhisham Kumar Majoka, Advocate
for the petitioner.

Mr. Gurbir Singh Dhillon, AAG, Haryana.

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JAISHREE THAKUR J. (ORAL)

CRM-M No.5093 of 2021

Application is allowed as prayed for.

Annexures P-5 to P-7 i.e. statements of witnesses PW-1 to P-3
are taken on record.

Main Case

This is a second petition that has been filed for grant of regular
bail to the petitioner in FIR No.17 dated 14.01.2020 under Sections 148,
149, 302, 323 IPC and Section 3 of Scheduled Caste and Scheduled Tribe
(Prevention of Atrocities) Act, 1989 registered at Police Station Quilla
Panipat, District Panipat.

Learned counsel for the petitioner herein contends that the
petitioner has been falsely implicated in the said matter as no role or injury
has been attributed to the petitioner. The investigation is complete and the
challan stands presented. The material witnesses have been examined and

they have not supported the case of prosecution. It is also contended that the co-accused namely Nitin has already been allowed bail by this High Court vide order dated 7.8.2020 passed in CRM-M No.15855 of 2020. The petitioner is in custody since 16.01.2020 and therefore, prays for concession of bail.

Per contra, learned counsel appearing for the respondent-State opposes grant of regular bail to the petitioner by contending that no ground is made out for concession of bail, however, he does not dispute the fact that the material witnesses have been examined, who have not supported the prosecution version.

I have heard learned counsel for the parties.

Keeping in view the fact that statements of the material witnesses have been recorded and they have not supported the version of the prosecution and the co-accused namely Nitin has already been allowed bail by this High Court vide order dated 7.8.2020 passed in CRM-M No.15855 of 2020, no useful purpose would be served in keeping the petitioner behind the bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

(JAISHREE THAKUR)
JUDGE

February 23, 2021

Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No