

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(215)

CRM-M-36560-2020

Date of Decision : December 21, 2021

Anant Ram

.. Petitioner

Versus

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rakesh Kumar Lathwal, Advocate, with
Mr. Man Mohit Malik, Advocate, for the petitioner.

Mr. Karan Garg, Assistant Advocate General, Haryana.

Mr. Narender Kumar Sharma, Advocate, for respondent No.2.

HARSIMRAN SINGH SETHI J. (ORAL)

Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.393 dated 12.11.2019 registered under Section 307 and 34 of the IPC, 1860 and Section 25 of the Arms Act, 1959 at Police Station Kharkhoda, District Sonipat, Haryana.

Learned counsel for the petitioner argues that the allegations alleged against the petitioner are false which fact has already come on record during the testimony of the complainant as well as the injured wherein, they have failed to recognise the petitioner as an assailant.

Learned counsel for the petitioner submits that keeping in view the fact that

the testimony of the material witnesses has already been concluded and the trial is likely to take some time before it concludes, the petitioner may kindly be extended the benefit of regular bail.

Learned counsel for the respondent-State, on the instructions from SI Shiv Niwas, concedes the factum that the complainant as well as the victim have been examined though they have not supported the prosecution and have failed to identify the petitioner as an assailant but he submits that the guilt or innocence of the petitioner will only be adjudged at the end of the trial on the basis of the complete evidence, which will come on record.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the facts and circumstances as they exist as of now, wherein, the complainant as well as the victim have already been examined and they have not identified the petitioner as an assailant, the petitioner has made out a case for the grant of regular bail especially as the trial is likely to take some time before it concludes, no useful purpose will be achieved in keeping the petitioner behind the bars till the completion of trial especially when learned counsel for the petitioner undertakes that petitioner will not influence trial in any manner including influencing the witnesses. In case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the

case.

It is made clear that this Court expresses no opinion on the guilt or the innocence of the petitioner in the present proceedings as the same will be adjudge by the trial Court on the basis of complete evidence, which will come on record.

December 21, 2021

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned? : Yes

Whether reportable : Yes