

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(213)

CRM No. M-48043-2021

Date of Decision : 23.11.2021

Sandeep alias Dharti

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Lalit Kumar, Advocate for the petitioner.

Mr. Karan Garg, Assistant Advocate General, Haryana.
(keeping in view advance copy given)

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 614 dated 17.11.2019, registered under Sections 148, 149, 307 IPC and Section 25 of Arms Act, 1959 at Police Station Meham, District Rohtak.

Learned counsel for the petitioner argues that the petitioner was falsely implicated in the present case, which fact has already come in the testimony of the complainant, wherein not only the petitioner but even the other co-accused, have not been identified by him as the assailants. Learned counsel for the petitioner submits that keeping in view the said stand, the co-accused of the petitioner, namely, Chand, Mohit @ Boxer and Parveen @ Bholu have already been granted the benefit of regular bail and, therefore, once the similarly situated co-accused have been extended the benefit of

regular bail, the petitioner is also entitled for the same benefit on parity.

Notice of motion.

Mr. Karan Garg, learned Assistant Advocate General, Haryana, who is present in Court, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel on instructions from SI Ram Prakash very fairly submits that though, against the co-accused, the challan has already been submitted after the investigation and the charges have already been framed but charges against the petitioner are yet to be framed but, as the incident is the same, complainant in his testimony has not named the petitioner along with the other co-accused as the assailants.

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

Once, the complainant has been examined though, in respect of the charges framed against the other co-accused, but as the incident is the same, significance of the said statement cannot be ignored while considering the claim of the petitioner for the grant of bail. Once, the complainant has mentioned that petitioner is not one of the assailants, though, the guilt of the petitioner is to be determined on the basis of the complete evidence, which will come on record during the trial, no useful purpose will be served in keeping the petitioner behind the bars during the entire trial, especially, when, learned counsel for the petitioner undertakes that petitioner will not influence trial in any manner including influencing the witnesses and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

The petitioner is directed to be released on regular bail in this case 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.

November 23, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

<i>Whether reasoned/speaking?</i>	<i>Yes/No</i>
<i>Whether reportable?</i>	<i>Yes/No</i>