

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204 CRM-M-40941-2022
Date of Decision: 02.08.2023

Ajay Petitioner
Versus
State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Gautam Dutt, Advocate for the petitioner.

Mr. Manish Bansal, Sr. D.A.G, Haryana.

ANOOP CHITKARA, J. (ORAL)

FIR No.	Dated	Police Station	Sections
79	07.05.2018	Siwani, District Bhiwani	147, 149, 186, 302, 307, 332, 353, 120-B IPC and 25 of Arms Act

The petitioner incarcerated in the FIR captioned above, has come up before this Court under Section 439 CrPC seeking bail.

2. Counsel for the petitioner submits that in the trial, the main witness has not even identified the petitioner and he is entitled for bail.

3. However, State counsel has opposed the bail on the grounds that it is for the trial Court to assess and appreciate the evidence and the observations made by this Court might prejudice the trial itself.

4. Be that as it may, the petitioner is permitted to file a fresh application for bail before the trial Court. If the said application is filed within two weeks, the same shall be decided within two weeks thereafter. It is clarified that the trial Court shall not be influenced by the reasoning given while rejecting his previous bail application by trial Court or this Court. It is further clarified that the trial Court shall decide the same on its own merits after appreciating evidence.

5. Given above, the present petition stands disposed of. All pending miscellaneous applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

02.08.2023
Jyoti-II

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No