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

CRM-M-35461-2024**Date of Decision: 31.07.2024**

Tej Pal @ Annu Sharma

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Inderjit Singh, Advocate and
Mr. Tushant Deep Garg, Advocate, for the petitioner.
Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.89 dated 09.03.2023 registered under Sections 307, 148, 149, 323, 325, 341 and 506 of IPC (Section 302 added and Section 325 of IPC deleted), at Police Station Ellenabad, District Sirsa.

2. Learned counsel for the petitioner contends that the petitioner was not named initially in the FIR by the complainant. Later on, the petitioner has been falsely involved on the basis of CCTV footage, which was allegedly recovered during the course of investigation. Even as per the said CCTV footage, the petitioner was allegedly seen coming with a group of other accused and he was only shown to be present at the place of occurrence. Apart from that, no overt act has been attributed to him. Learned counsel further contends that the petitioner was arrested in the present case on 09.03.2024 and is in custody since then. He was a student of BA 1st year at the time of incident and



has no criminal antecedents. Learned counsel further contends that the occurrence had taken place on the occasion of Holi and he was just to roaming with his friends on motorcycle and he had no connection with the co-accused, who have been prosecuted in the present case.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court. However, she admits that except the fact that the petitioner has shown to be present at the place of occurrence, no other role has been assigned to the present petitioner.

4. I have heard the learned counsel for the parties and perused the record.

5. The petitioner was initially not named in the FIR and has been arrayed as an accused on the basis of the CCTV footage, which was recovered by the police during the course of investigation. Even as per the CCTV footage, the petitioner was simply present at the place of occurrence and did not cause any injury to any other person.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

31.07.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No