

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

239

CRM-M-42750-2024 (O&M)
Date of Decision:- 31.01.2025

GAURAV

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Sunil Kumar Pandey, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG Haryana.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
51	19.02.2024	148, 149, 323, 325, 379-B, 506, 120-B, 201, 204, 367 IPC	Dharuhera, District Rewari, Haryana

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner has neither committed any crime nor is he involved in the alleged occurrence. He further submits that the petitioner is not having any criminal antecedents and during the course of Test Identification Parade, although other accused had been identified, however,



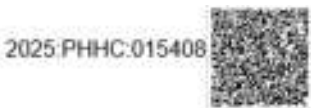
the petitioner was not identified by the victim. He submits that the petitioner is in custody since 19.02.2024, and after the completion of investigation, challan has been presented in the Court, wherein no witness has been examined till date. He thus prayed for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel has opposed the petition by arguing that the petitioner has actively participated in the crime and as such prayed for dismissal of the petition. He has, however, not denied the fact that in the Test Identification Parade conducted, the petitioner was not identified by the victim.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it is evident from the status report that the Test Identification Parade was conducted, where the other co-accused were identified, however, the petitioner was not identified to be the person involved in the occurrence. The petitioner is not having any criminal antecedents and is in custody since 19.02.2024. After the completion of investigation, challan has been presented in the Court, wherein 14 prosecution witnesses have been cited, but none has been examined till date. Moreover, no specific overt act is attributed to the petitioner and the criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

6. Consequently, without commenting on the merits of the case,



the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

- 7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.
- 8. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

31.01.2025
S.Sharma(syr)

- | | | |
|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |