IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No. M-14010 of 2015
Date of Decision:-09.07.2015

Deva @ Kuldeep

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. Rakesh Nehra, Advocate
for the petitioner.

Mr. Kapil Aggarwal, Addl.A.G., Haryana.
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HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 439 CrPC is for grant of the concession of regular bail to the petitioner in case FIR No.8 dated 5.1.2014 under Sections 148, 149, 302, 307, 452, 120-B, 325 IPC and Sections 25 and 30 of the Arms Act, 1959 registered at Police Station City Rohtak, Distt. Rohtak.

Learned counsel for the petitioner contends that as many of 36 witnesses out of 52 witnesses have been examined and none of the prosecution witnesses, as examined by the prosecution, has deposed against the petitioner. Even complainant Pawan son

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of Krishan, who is brother of the deceased, has been examined on 18.4.2015 but no material has come on record which may involve the petitioner in this case. Similarly, PW-2 Sonu, who is also the real brother of the deceased, has not deposed anything against the petitioner. PW-3 Reena wife of Sonu, who is sister-in-law (bhabhi) of the deceased , has also deposed in similar terms.

Learned counsel for the petitioner relies upon order dated 21.5.2014 of this Court passed in CRM No.16764 of 2014 *Navdeep v. State of Haryana,* whereby this Court has granted regular bail to the co-accused of the petitioner.

Learned counsel for the petitioner further submits that no injury has been attributed to the petitioner and as per the allegations made in the FIR, he was having a *danda* in his hand and there is no injury on the person of the deceased with *danda.*

Learned State counsel, on instructions from HC Rajesh Kumar, has not controverted the aforesaid contentions. He submits that as against the total 52 witnesses, 36 witnesses have been examined so far.

On a specific query of the Court, as to whether anybody has deposed against the petitioner, learned State counsel has not been able to produce any material to controvert the assertions made on behalf of the petitioner.

Be that as it may, taking into consideration the nature of the case and totality of facts and circumstances emanating from the record, as discussed hereinabove, the instant petition is accepted

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and the petitioner is ordered to be released on bail, subject to his furnishing of bail bonds/surety bonds to the satisfaction of the trial Court.

Needless to say that, nothing observed here-in-above shall reflect on the merits of the main case, in any manner, as the same has been so recorded for a limited purpose of deciding the present petition for regular bail. The trial Court is free to conclude the trial on the basis of available evidence.

July 09, 2015 **(*HARI PAL VERMA*)**
AK ***JUDGE***

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