

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-16247 of 2015
Date of decision : 06.07.2015

Balbir

..... Petitioner

versus

State of Haryana

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present: Mr. Susheel Gautam, Advocate
for the petitioner**

Mr. Deepak K. Grewal, DAG Haryana

**Mr. Vikas Lochab, Advocate
for the complainant**

ANITA CHAUDHRY, J. (ORAL)

The petitioner is seeking regular bail in FIR No. 184 dated 30.04.2014, registered under Sections 148, 149, 323, 324, 452 and 302 IPC read with Section 120-B IPC and under Section 25 of Arms Act at Police Station Sadar Panipat.

Heard .

Learned counsel for the petitioner has urged that the petitioner was not named in the FIR and in the supplementary statement his name had been appeared and the role assigned to the petitioner is that he had caught hold of the deceased. He further urges that Surender @ Kala, Sazid and Om Parkash have been allowed bail and the allegations against one of them was that he had inflicted a blow upon the deceased though that was not fatal. He further urges that the main injuries are attributed to Balinder and Anu.

As per the contents of the FIR Balinder and Anu had inflicted injuries upon the deceased on 30.04.2014. The FIR was

registered on the statement made by Surat Singh. An altercation had taken place the previous day and in that incident, injuries were inflicted upon Jatinder and Parkash. The allegations were that Balinder inflicted knife injury while Anu gave a knife blow on the leg. Both the accused were arrested and had suffered disclosure statements. Few other names also cropped up, who were also arrested.

The investigation is over. The prosecution case rests upon an eye-witness account. Two persons were only named by the complainant. The petitioner was not named in the FIR. The prosecution will have to prove the involvement of the petitioner. Without commenting upon the merits of the case, the petition is allowed. The petitioner is ordered to be released on bail on his furnishing adequate bonds to the satisfaction of the trial Court with the rider that he will not, in any manner, contact the complainant party or tamper with evidence.

July 06, 2015

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**(ANITA CHAUDHRY)
JUDGE**