

SATISH KUMAR

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Ajay Arora Bharti, Advocate
for the petitioner.

Mr. D.R. Singla, DAG, Haryana
for the respondent-State.

JASPAL SINGH, J.(ORAL)

This is a petition under Section 439 of Code of Criminal Procedure preferred by Satish Kumar (presently confined in District Jail, Sirsa) seeking bail in a cross version case under Sections 307, 326, 322, 341 read with Section 34 of Indian Penal Code lodged in FIR No.255 dated 11.07.2014, under Sections 302, 341, 148 and 149 IPC registered at Police Station Sadar, District Sirsa.

Undisputably, an occurrence has took place on July 10, 2014 at about 08:15 p.m. in which Babbu, close friend of Gurmeet Singh succumbed to the injuries sustained at the hands of Kala Ram and others. Resultantly, above referred FIR was registered and the investigation was put into motion. During investigation of the case, Kala Ram one of the accused in the above referred murder case got registered cross-version unfolding that Babbu (since deceased) and four other unknown persons inflicted injuries to him as well as his son Kuldip. Subsequently, Kuldip son of Kala Ram also got recorded his statement under Section 161 Cr.P.C., in which, name of petitioner has been unfolded that he was present at bus stand where occurrence took place but no specific injury

has been attributed to him.

Here it would be pertinent to mention that Parveen Kumar as well as Gurmeet Singh who have been specifically named in the cross-version case have already been granted concession of bail by this Court vide order dated March 03, 2015 passed in CRM-M-6383-2015 and order dated May 15, 2015 passed in CRM-M-15121-2015, respectively. Case of the petitioner is rather on better footings than those of his co-accused namely Parveen Kumar and Gurmeet Singh. Moreover, petitioner was arrested in this case on September 30, 2014. He was subjected to custodial interrogation but no incriminating article has been recovered from him. Ultimately, he was remanded to judicial custody. Since the date of his arrest, he is suffering incarceration. Investigation is already complete. Report under Section 173(2) Cr.P.C. has already been presented which is pending disposal. Trial is also not likely to mature in the near future. In the given circumstances, it would not be desirable to keep the petitioner behind the bars for an indefinite period.

Taking into consideration all these aspects but without expressing of any opinion on the merits of the case, this Court deem it appropriate to grant the concession of bail. Accordingly, petition is allowed and Satish Kumar-petitioner is ordered to be released on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Sirsa.

July 23, 2015
m. sharma

(JASPAL SINGH)
JUDGE