

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Misc. No. M-27542 of 2015
Date of decision: 05.10.2015

Karambir

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No**
- 2. To be referred to reporters or not? Yes/No**
- 3. Whether the judgment should be reported in the Digest? Yes/No**

Present: Mr. Saurabh Dalal, Advocate
for the petitioner.

Mr. Vikas Malik, DAG, Haryana
for the respondent – State.

Daya Chaudhary, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. on behalf of the petitioner-Karambir for grant of regular bail in case FIR No.83 dated 07.04.2015 registered under Sections 186, 332, 353, 148, 149, 307 and 224 of Indian Penal Code and Section 25 of the Arms Act at Police Station Beri, Distt. Jhajjar.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR and he has falsely been implicated in the case only on the basis of statement made by co-accused, which is not permissible under law. Learned counsel further submits that the FIR was registered against sixteen persons and no specific role has been attributed to the petitioner. The allegations of Section 307 IPC have been

levelled against co-accused Pardeep @ Dhaula as he fired a gun shot. The petitioner has not caused even a simple injury to the complainant party. The petitioner is in custody since 21.04.2015 and his six co-accused have been released on regular bail. Learned counsel also submits that nothing is to be recovered from the petitioner and out of total 28 witnesses, even a single witness has not been examined and all the witnesses are official and there is no possibility to influence them. The trial may take long time to conclude.

Learned State counsel opposes grant of regular bail to the petitioner as he has played a active role as per statement of co-accused.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the allegations levelled in the FIR.

The petitioner has been implicated in the case only on the basis of statement made by co-accused and neither he was named in the FIR nor he has played any role. The allegations under Section 307 IPC have been levelled qua to main accused-Pardeep @ Dhaula and even a single witness has not been examined so far. The trial will take long time to conclude. There is no possibility to influence the witnesses as all the witnesses are official witnesses.

Accordingly, the present petition is allowed and the petitioner (Karambir) is directed to be released on regular bail subject to furnishing bail/ surety bonds to the satisfaction of the trial Court.

05.10.2015
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(DAYA CHAUDHARY)
JUDGE