

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

Crl. Misc. No. M-27544 of 2015

DATE OF DECISION: 04.09.2015

Sumit Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

**BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY**

- 1. Whether reporters of local newspaper 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. DS Bishnoi, Advocate  
for the petitioner.

Mr. Sharad K. Yadav, DAG, Haryana.

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**DAYA CHAUDHARY, J.**

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 30 dated 27.1.2015 registered under Sections 392,397,34 IPC and Section 25/54/59 of Arms Act at Police Station Sector 56, Gurgaon.

Learned counsel for the petitioner contends that the petitioner is behind the bars since 27.1.2015 and co-accused of the petitioner, namely, Darvesh Kumar @ Dev Raj has already been granted bail by this Court in Crl. Misc. No. M-17447 of 2015 vide order dated 24.7.2015. Learned counsel further contends that the complainant has been examined and he has not supported the case of the prosecution. Even the complainant has not identified the accused persons including the petitioner in the test identification parade. Learned counsel also submits that all the material witnesses have been examined and only formal witnesses remain

to be examined and the petitioner is not going to influence them in any manner.

Learned counsel for the respondent-State has not disputed the custody period as well as the fact that the co-accused of the petitioner, namely, Darvesh Kumar @ Dev Raj has been released on regular bail by this Court vide order dated 24.7.2015 and all the material witnesses have been examined and only formal witnesses remain to be examined. However, he opposes grant of bail to the petitioner on the ground of seriousness of the offence.

Heard the arguments advanced by learned counsel for the parties and have also gone through the contents of the FIR as well as statement of the complainant, which has been shown in the Court by learned counsel for the petitioner.

A perusal of statement of the complainant shows that he has not supported the case of the prosecution and has not identified the accused including the petitioner. The petitioner is in custody since 27.1.2015 and co-accused of the petitioner, namely, Darvesh Kumar @ Dev Raj has already been released on regular bail by this Court vide order dated 24.7.2015. All the material witnesses have been examined including the complainant and only formal witnesses remain to be examined.

Accordingly, the present petition is allowed. Petitioner-Sumit Kumar is directed to be released on regular bail subject to his furnishing bail bond/surety bond of the local area to the satisfaction of trial Court.

However, it is made clear that in case the petitioner is found to be involved in some other case of similar nature, State is at liberty to file an application for cancellation of bail.

September 04, 2015  
pooja

**(DAYA CHAUDHARY)**  
**JUDGE**

