

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-32944 of 2014

DATE OF DECISION: 10.02.2015

Sandeep

.....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. P.S. Sullar, Advocate
for the petitioner.

Mr. Deepak Sabharwal, Addl. A.G., Haryana.

DAYA CHAUDHARY, J.

The present petition under Section 439 Cr.P.C. has been filed for grant of regular bail to the petitioner in case FIR No. 43 dated 13.3.2014 registered under Section 307 IPC and 25 of the Arms Act (Sections 365 and 323 IPC added later on) at Police Station Lakhan Majra, District Rohtak.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case, whereas, injured Jasbir @ Ocha was admitted in the hospital on 13.3.2014 and was discharged from the hospital on that very day. Complainant as well as injured, namely, Jasbir @ Ocha have been cross-examined but they have not supported the case of

the prosecution. The name of the petitioner does not figure in the FIR and he has been implicated only on the basis of statement of Jasbir Singh recorded under Section 161 Cr.P.C. All material witnesses have been examined and the petitioner is in custody since 26.3.2014 and no purpose would be served in case he is kept behind the bars.

Learned counsel for the respondent-State opposes bail of the petitioner on the ground that petitioner is habitual offender as three more cases are there against him, whereas, learned counsel for the petitioner contends that in one case he has been convicted, in the other he has been acquitted and third one is pending. Learned counsel for the respondent-State on instructions from ASI Ramesh submits that the petitioner is acquitted in one case.

In view of the submissions made by learned counsel for the petitioner and keeping in view the custody as well as the fact that complainant and one injured, namely, Jasbir @ Ocha have not supported the case of the prosecution and all material witnesses have been examined, the petition is allowed. Petitioner-Sandeep is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court, if not required in any other case.

However, in case the submissions made by learned counsel for the petitioner is found to be incorrect regarding acquittal, State is at liberty to move an application for cancellation of bail.

February 10, 2015
pooja

(DAYA CHAUDHARY)
JUDGE