

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

Criminal Misc.No.M-37017 of 2015

Date of Decision: November 04, 2015

Naveen Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Sandeep Kumar Yadav, Advocate,
for the petitioner.

Mr.Sanjay Kumar, AAG, Haryana.

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition, filed under Section 439, Cr.P.C., is for grant of regular bail to the petitioner, Naveen Kumar, who has been booked for having committed the offences punishable under Sections 395 and 397, IPC, in a case arising out of FIR No.246, dated 12.09.2009, registered at Police Station, Sadar, Dadri, District Bhiwani.

Learned counsel contends that the FIR in question was allegedly registered on 12.09.2009 at Police Station, Sadar Dadri, District Bhiwani; the petitioner who belongs to village Kojinda, District Narnaul, which is at a distance of about 70 km from Dadri was not aware of the registration of the present FIR;

the petitioner was not arrested till 27.06.2015; after his arrest, he came to know the fact that he was required in the case relating to FIR in question; the co-accused of the petitioner were tried and acquitted by learned trial Court vide judgment dated 12.11.2010 since Hakimudin (informant) and Wasim alleged eye-witness of the occurrence, had failed to support the prosecution case; that now the petitioner is behind the bars from 27.06.2015 and after completion of the investigation, the charge-sheet has been presented for prosecution of the petitioner.

Learned counsel for the State, on instructions from ASI Satnarayan, Police Station, Sadar, Dadri, District Bhiwani, has not controverted the factual aspect raised by learned counsel for the petitioner. However, he submits that one more case for the offence punishable under Section 174-A, IPC, has also been registered against the petitioner for violation of the summons/warrants issued for securing the presence of the petitioner.

I have heard learned counsel for the parties and with their able assistance gone through the material available on record.

It is the conceded case of the parties that the FIR was registered in the year 2009 and thereafter, the petitioner was

not arrested. The co-accused of the petitioner faced trial and were acquitted vide order dated 12.11.2010 passed by learned Additional Sessions Judge, Bhiwani. The petitioner is neither required nor involved in any other case except the one under Section 174-A, IPC relating to non-obedience of the summons/warrants issued for procuring presence of the petitioner in the present case.

In view of the totality of the facts and circumstances of the case, the present petition is accepted. Petitioner-Naveen Kumar, s/o Ami Lal, r/o village Kojinda, District Narnaul, is directed to be released on bail, during pendency of trial of the present case, subject to his furnishing bail bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Bhiwani.

November 04, 2015
seema

(Naresh Kumar Sanghi)
Judge