

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-37298-2014

Date of decision : 21.02.2015

Surender @ Kala

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Ravinder Malik, Advocate
for the petitioner.

Mr.Rajesh Gaur, Addl. A. G.Haryana.

REKHA MITTAL, J.(ORAL)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure for offence registered under Sections 302, 397 read with Section 34 of the Indian Penal Code and Section 25 of the Arms Act, 1959 in Police Station Sampla, District Rohtak vide FIR No.198 dated 12.06.2013.

Counsel for the petitioner contends that FIR was lodged with the allegations that two unidentified persons committed the offence but the police has presented the challan against three persons. The petitioner has been sought to be indicted in the crime on the basis of disclosure statement made by one of the co-accused during his police custody. There is no other evidence collected during investigation to connect the petitioner with the crime. The prosecution has already examined 11 material witnesses during trial but none of them has implicated the petitioner in the crime. The

petitioner is in custody since 20.06.2013 and may be released on bail pending trial. There is another criminal case registered against him in Rajasthan but he has been released on bail in the said case.

Counsel for the State of Haryana has not disputed factual assertions raised by counsel for the petitioner.

Without meaning to express any opinion on merits of the controversy, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds to satisfaction of the trial Court, subject to the following conditions:-

- (i) he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer; and
- (ii) he shall not leave India without the previous permission of the Court.

(REKHA MITTAL)
JUDGE

February 21, 2015.
DK