

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

Crl. Misc. No.M-37718 of 2015

Date of Decision: 16.11.2015

Jai Parkash

....Petitioner

Versus

State of Haryana

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the 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. RajKapoor Malik, Advocate
for the petitioner.

Mr. Vikas Malik, D.A.G., Haryana
for the respondent-State.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No.200 dated 23.06.2015 registered under Sections 384, 388, 419, 420, 120-B and 506 IPC at Police Station Civil Lines, Kaithal, District Kaithal.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case. The occurrence took place in the year, 2012 and the matter was reported by the complainant in the year, 2015 and the delay has not been explained. As per statement of the complainant recorded under Section 164 Cr.P.C, the petitioner was not present at the place of occurrence and the alleged amount of ₹ 5 lacs has

been paid by the complainant to other co-accused. Learned counsel also submits that the charge was framed under Sections 383, 388, 120-B and 506 of IPC and no charge has been framed under Sections 419 and 420 of IPC. The complainant as well as shadow witnesses have been examined. The remaining witnesses are official witnesses and there is no possibility that the petitioner may influence the other witnesses. The complainant has not supported the case of the prosecution. The petitioner is in custody since 06.06.2015.

Learned counsel for the respondent-State has not disputed the custody period as well as examination of complainant and shadow witnesses but opposes grant of bail to the petitioner on the ground that two more cases of similar nature are pending against him.

Learned counsel for the petitioner submits that in one case, the petitioner is on bail and in another case, the complainant has not supported the case of the prosecution.

In view of the submissions made by learned counsel for the petitioner and also the fact that the complainant as well as shadow witnesses have already been examined and cross-examined; the remaining witnesses are official witnesses and there is no possibility that the petitioner may influence the other witnesses; nothing is to be recovered from the petitioner and he is in custody since 06.06.2015, the present petition is allowed and the petitioner is directed to be released on regular bail, if he is not required in any other case, on his furnishing bail/surety bonds to the satisfaction of the trial Court.

16.11.2015
gurpreet

(DAYA CHAUDHARY)
JUDGE