

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-39491 of 2014

DATE OF DECISION: 20.02.2015

Kalam

.....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. Vivek Khatri, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

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. 221 dated 23.2.2014 registered under Sections 147,149,302,201 and 342 IPC at Police Station Sadar Hisar, District Hisar.

Learned counsel for the petitioner contends that name of the petitioner was not mentioned in the FIR and he has subsequently been implicated in this case only on the basis of disclosure statement made by co-accused, wherein, no specific role has been attributed to the petitioner. Learned counsel further contends that the complainant who is stated to be an eye witness of the occurrence as well as three material witnesses, namely, Satish, Ram Niwas and Kamla have not supported the case of the

prosecution.

Learned counsel for the respondent-State has not disputed the statements of witnesses examined so far as they have not supported the case of the prosecution but contends that as per disclosure statement of the co-accused, the petitioner has played an active role. Learned counsel for the respondent-State opposes the bail of the petitioner on the basis of seriousness of the offence.

Heard the arguments advanced by learned counsel for the petitioner as well as learned State counsel and have also gone through the allegations in the FIR as well as statements of complainant-Rajesh, Satish (PW-3), Ram Niwas (PW-4) and Kamla (PW-5), which have been produced during the course of hearing.

On perusal of statements of aforesaid PWs, it is clear that they have not supported the case of the prosecution and denied the role of the accused. Moreover, the name of the petitioner has not figured in the FIR and he has been implicated only on the basis of disclosure statement of co-accused, which is not admissible under law. The petitioner is in custody since 26.2.2014 and no purpose would be served by keeping him behind the bars.

Accordingly, the present petition is allowed. Petitioner-Kalam is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

February 20, 2015
pooja

(DAYA CHAUDHARY)
JUDGE

