

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

**Crl. Misc. No. M-15759 of 2016
Date of Decision:-30.08.2016**

Vikas @ Dhokha

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr.S.S. Sahu, Advocate for the petitioners.

Mr.Manish Bansal, DAG, Haryana.

HARI PAL VERMA J.(Oral)

Prayer made in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.250, dated 25.04.2014, for offence under Sections 148, 149, 450, 302 and 120-B IPC, registered at Police Station City Fatehabad, Distt. Fatehabad.

Learned counsel for the petitioner contends that the complainant, namely, Vikram Kumar, who is the author of the abovesaid FIR has not named the petitioner in his initial version and it is only at a later stage, PW 18-Sunita has named him. However, except his presence no injury has been attributed to him. He further submits that the petitioner is in custody since 07.07.2015 and trial in the case will take sufficient long time.

Learned counsel for the State has filed the statement dated 25.04.2014 (Annexure A-1) of Sunita wife of Pinki son of Amar Singh

recorded under Section 162 Cr.P.C. The same is taken on record. He, on instructions from ASI-Bhagmal, submits that the petitioner has been named by PW 17-Vikram Kumar and PW 18- Sunita. As per the statements of these witnesses, the petitioner along with other persons came at the house of Pinki and the petitioner was armed with a iron rod.

I have heard learned counsel for the parties.

Considering the fact that in the initial version, the complainant, who is an eye-witness, has not named the petitioner and no injury, attributed to him, this Court deem it appropriate to allow the present petition for grant of regular bail.

Accordingly, the present petition is accepted and the petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

It is made clear that expression made here-in-above shall not be construed as an expression on the merits of the case and the trial Court shall be at liberty to decide the case on the basis of available evidence.

It is also made clear the petitioner shall not hamper or create any obstruction in the trial of the case.

(HARI PAL VERMA)
JUDGE

August 30, 2016
Anjal

Whether speaking/reasoned? Yes/No

Whether reportable? Yes/No