

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-17322-2016

Date of decision: September 14, 2016.

Dinesh @ Kala

... **Petitioner**

v.

State of Haryana

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Shri Rajat Mor, Advocate for the petitioner.

Shri Karan Sharma, Assistant Advocate General, Haryana.

**A.B. Chaudhari, J.** (Oral):

Heard learned counsel for the rival parties.

In FIR No.405 dated 1.11.2014, registered under Sections 120-B, 34, 392, 397 IPC and 25/27 of the Arms Act, at Police Station Barwala, District Hisar, the petitioner was arrested on 13.10.2015 and is in jail since then.

The State has filed a reply and I have gone through the same carefully. Looking to para 5 of the reply, it is undoubtedly true that there are several other cases against the petitioner of similar type and therefore, in normal course, the petitioner could not be given the benefit of remaining at large on bail. This Court, on the last date therefore, had made an order for examination of the complainant since the trial had commenced.

Accordingly, learned State Counsel has now placed before me the

deposition recorded before the court of the official witnesses as well as the complainant. I have perused the evidence of the complainant as well as the official witnesses recorded by the trial court. Prima-facie, I find in this case that the evidence that is required by law for continued detention is unavailable even at this stage. Mere pendency of other cases in the absence of evidence in this case, may not justify the continued detention till the trial is over. Since the petitioner appears to be a habitual criminal, care will have to be taken to impose restrictions on his movements while granting bail. As stated earlier, there is prima facie case for grant of bail despite the fact that the petitioner is facing several other trials of similar type. In that view of the matter, the following order is made:-

**ORDER**

- (i) The petition is allowed;
- (ii) The petitioner is ordered to be released on bail to the satisfaction of the trial Judge;
- (iii) The petitioner shall not enter District Hisar save and except the dates of his appearance before the trial court and shall not tamper with the prosecution witnesses.

September 14, 2016.  
*kadyan*

[ **A.B. Chaudhari** ]  
**Judge**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No