

CRM-M-37005-2015

Date of Decision : 24.05.2016

Rahul

.....Petitioner

versus

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. Ashit Malik, Advocate
for the petitioner.

Mr. C.S. Bakhshi, Addl.A.G., Haryana.

M.M.S. BEDI, JUDGE (ORAL)

Petitioner has been in custody with effect from 12.07.2014 in a case registered at the instance of Suresh Kumar alleging that his son had been inflicted injury by Bir Pal with scissors, in the abdomen, as a result of which he died. As per the allegations in FIR, the petitioner was present, on the spot, armed with danda.

State counsel has intervened to oppose the application for bail contending that Suresh Kumar has been examined in chief and he has stated that the petitioner along with Rehman, son of Bir Pal, were found beating the son of complainant, Suresh Kumar, when Bir Pal inflicted injury with a scissors, in the stomach of Deepak, resulting in his death.

Prima facie, there appears to be apparent controversy in which statement made by complainant, in the Court on oath, and the statement in FIR are required to be tested. The controversy is required to be tested for determining the exact culpability of the petitioner on appreciation of evidence. The credibility of the aforesaid witness has to

be seen on the basis of the cross-examination but it has been informed by counsel for the petitioner that examination in chief of Suresh Kumar was recorded on 20.04.2015 and despite case having been adjourned for a period of one year, he is avoiding appearance before the Court for facing the cross-examination.

Taking into consideration the above said circumstances, the petitioner, being in custody with effect from 12.07.2014, can be granted concession of bail. Petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court subject to a condition that petitioner will not indulge in any act of threatening the witnesses or tampering with the evidence. In case of any such eventuality, it will be open to the prosecution agency to seek cancellation of bail.

(M.M.S. BEDI)
JUDGE

24.05.2016
Neha