

Sr. No. 230

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

**CRM No. M-4017 of 2016
Date of Decision: 09.02.2016**

Prem

...Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Harish Bhardwaj, Advocate,
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

TEJINDER SINGH DHINDSA. J (ORAL)

Petitioner seeks benefit of regular bail pending trial in case FIR No.51 dated 03.03.2013, under Sections 323, 302, 452, 460, 201, 34 IPC, Police Station Kharkhoda, District Sonapat.

Counsel for the parties have been heard.

FIR was got registered at the instance of Suresh Son of Balkishan. Allegations pertain to an occurrence dated 02.03.2013. Complainant Suresh had stated that he was sleeping in the room of a piggery farm along with Amit. During the late hours upon hearing some noise, complainant and Amit got up. Amit is stated to have gone out of the room and after some time having heard some screams, complainant came out of the room and saw two unknown persons stabbing Amit.

As per prosecution version, the complainant himself was

also pushed inside a room and inflicted injuries with wooden safeda logs.

It so transpires that during the course of investigation in a different case i.e. FIR No.176 dated 16.04.2015 under Section 307/34 IPC and 25/54/59 of the Arms Act, registered at Police Station Ghanaur, accused therein, namely, Dinesh suffered a disclosure statement and on the strength of which the present petitioner is sought to be implicated.

Petitioner was arrested on 02.05.2015.

Complainant Suresh has already been examined before the trial Court. He has not even identified the present petitioner who was present in Court.

Even the disclosure statement of Dinesh is at variance with the statement and deposition furnished by complainant Suresh. Dinesh in his disclosure statement has named as many as 6 persons who had proceeded to the piggery farm whereas complainant Suresh is categoric as regards 2 persons having assaulted Amit as also the complainant himself.

Even as per disclosure statement, the role assigned to the present petitioner is with regard to having boarded Tata ACE Vehicle and having proceeded to the piggery farm to steal pigs. As per Dinesh in his disclosure statement, the present petitioner had kept waiting outside along with a vehicle.

The admissibility of such disclosure statement in evidence would be a separate issue.

State counsel would inform that out of 21 prosecution

witnesses cited, only 3 including complainant have been examined till date.

The trial as such would take time to conclude.

Without making any observations on merits, petitioner is held entitled to the benefit of regular bail. Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Sonapat.

09.02.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**