

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CRM No. M-6716 of 2016 (O&M)  
Date of Decision: 18.3.2016

Sunil Kumar

--Petitioner

Versus

State of Haryana

--Respondent

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

Present:- Mr. Vikram Singh, Advocate for the petitioner.

Mr. Deepak K. Grewal, D.A.G., Haryana.

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**TEJINDER SINGH DHINDSA.J**

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.38 dated 11.3.2015 under sections 148, 149, 342, 302, 34 I.P.C registered at Police Station, Behal, District Bhiwani.

Learned counsel for the parties have been heard.

F.I.R was registered on the statement of Ashok Kumar. Complainant had asserted that his cousin Manish Kumar had given a sum of Rs.4,80,000/- to one Rajender to provide him employment in the Railway Police. Such money is stated to have been misappropriated and upon money being demanded back, a grudge was nursed and enmity developed between Manish and Rajender.

Complainant further alleges that on 10.3.2015 his cousin Manish, who had gone to Rajasthan, was returning back in the late night hours and at that point of time he was assaulted by a number of persons including Rajender and the present petitioner Sunil. As per complainant's version Sunil had given beatings to Manish by using iron pipes. Further version of the complainant is that thereafter Rajender co-accused had

informed him as regards Manish having been beaten up and to take him from there. Manish is thereafter stated to have succumbed to his injuries.

Petitioner was arrested on 12.3.2015.

In the trial that has ensued complainant Ashok has been examined before the Trial Court as PW-3 and his deposition has been placed on record at Annexure P-2. In such statement there is a clear improvement as also contradiction. In his statement before the court complainant states that he had received a telephonic call at 1 A.M on the date of occurrence from Rajender and upon having arrived at the spot i.e. house of Rajender, he himself saw five persons including the present petitioner beating Manish.

The initial version of the complainant to the contrary was that Rajender had informed him only after the beatings had already been inflicted. As per the initial statement suffered by the complainant which led to the registration of the F.I.R the complainant was not an eye witness to the occurrence. At best the assertions and allegations could be said to have been given merely on hear say. The version and deposition before the court as PW-3 is a clear after thought and improvement thereafter.

Learned State counsel upon instructions from ASI Laljit would apprise the Court that out of 18 prosecution witnesses cited, 7 have been examined till date. The trial, as such, would take time to conclude.

Without making any observations on merits and keeping in view the length of incarceration already suffered by the petitioner, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Bhiwani.

It is, however, clarified that the observations contained in this order are confined only as regards consideration of the prayer of the petitioner for grant of regular bail and would have no bearing on the merits of the case.

Petition disposed of.

**(TEJINDER SINGH DHINDSA)**  
**JUDGE**

**18.3.2016**