

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

Crl. Misc. No.M-1491 of 2017

Date of Decision: March 29, 2017

Parveen Singh @ Rakesh @ Raghu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Vivek Khatri, Advocate
for the petitioner.

Mr. Sharad Kumar Yadav, DAG, Haryana

Amol Rattan Singh, J. (ORAL)

By this petition, filed under Section 439 Cr.P.C., the petitioner seeks the concession of 'regular bail'.

Learned counsel for the petitioner points to the order of this Court dated 14.02.2017, wherein the statement of the police official who was present in Court to assist the learned State counsel was noticed, to the effect that one Naresh Dhawan was still to be examined, who had been issued summons by the learned trial Court to appear before it on 15.02.2017.

Thereafter, on 07.03.2017, learned State counsel, on instructions, had submitted that no witness had been examined though 6 witnesses had been summoned. The matter had been again adjourned to 17.03.2017, with a direction to the trial Court to ensure that the complainant and material witnesses are examined at the outset.

On 17.03.2017, it was submitted by the learned State counsel

that the complainant could not be examined on the last date of hearing because of the law and order situation in the State, due to which the petitioner and his co-accused could not be produced in the Court.

Consequently, the matter was adjourned till today, with a direction to the Superintendent of Police, Hisar, to ensure that the petitioner and his co-accused are positively produced before the trial Court on the next date of hearing.

Learned State counsel and the learned counsel for the petitioner submit that the petitioner and his co-accused were produced before the trial Court, however, the complainant still did not turn up for getting himself examined.

Upon query, learned State counsel submits that even non-bailable warrants have been issued by the trial Court to secure the presence of the complainant, who has still not turned up.

In view of the above, I see no purpose in keeping the petitioner in indefinite custody, with the complainant himself not turning up to get himself examined.

Consequently, without commenting upon the merits of the case, this petition is allowed. The petitioner would be enlarged on bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the trial Court.

March 29, 2017
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: no