

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

CRM-M-18561-2017 (O&M)

Date of decision: 30.05.2017

GURDEV SINGH

...Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present : Mr. Sanjiv K. Aggarwal, Advocate
for the petitioner (s).

Mr. Neeraj Poswal, AAG, Haryana
assisted by SI Subhash Chander.

Mr. Baljit Beniwal, Advocate for
Mr. K.P. Singh, Advocate
for the complainant.

Jitendra Chauhan, J. (Oral)

By filing this second petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No.111 dated 03.05.2016, registered under Sections 307 and 506 read with Section 34 IPC and Section 27 of the Arms Act, at Police Station Ladwa, Distt. Kurukshetra.

It is contended that it is a case of version and cross-version, wherein sons of the complainant have already been challaned under Sections 323 and 325 IPC. The petitioner is in custody since 03.05.2016.

The learned counsel refers to Annexure P-11 to contend that in CRR No.1418 of 2017, preferred by father of the petitioner against the framing of charges against the sons of the complainant under Sections 323 and 325 IPC only, as the offence under Section 307 IPC is clearly made out, this Court had stayed further proceedings before the trial Court. He has circulated the copies of the orders passed by the trial Court, same are taken on record as Mark 'A' to 'D', and states that despite issuance of non-bailable warrants, complainant party did not appear before the trial Court.

On the other hand, the learned State counsel and learned counsel appearing for the complainant have vehemently opposed the present bail petition.

Heard.

Considering the fact that it is a case of version and cross-version; complainant party has repeatedly not appeared before the trial Court, despite the issuance of bailable warrants; this Court in CRR No.1418 of 2017 had already stayed the proceedings before the trial Court, wherein the charges have been framed against the sons of the complainant; and the petitioner is in custody since 03.05.2016, no purpose would be served in keeping the petitioner behind the bars.

Accordingly, without advertng to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate,

concerned.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

30.05.2017

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No