

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

**Crl. Misc. No.M-21462 of 2017 (O&M)
Date of Decision: December 06, 2017.**

Vikram @ Vicky

.....PETITIONER(s).

VERSUS

State of Haryana

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sandeep Kumar, Advocate for
Mr. Vikram Singh, Advocate
for the petitioner (s).

Mr. Ashish Yadav, Addl.A.G. Haryana.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.15 dated 03.02.2017 registered for the offences punishable under Sections 148, 302, 341 read with Section 149 of Indian Penal Code and 3 of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities), Act, 1989, at Police Station Guhla, District Kaithal.

Heard.

Learned counsel for the petitioner submits that petitioner was not named in the FIR. Even the complainant, who appeared as PW1 and got recorded his examination-in-chief in the trial Court on 12.10.2017, has not named the petitioner as one of the assailant.

Learned State counsel submits that though the petitioner is not

named in the FIR but the complainant named him in his supplementary statement recorded a day after registration of the FIR and attributed specific injury of causing *danda* blow to deceased Sikander.

In the FIR, complainant had not named the petitioner as one of the person, who was member of the assailant party which caused injuries to Sikander. Though the petitioner was named in the supplementary statement, but the complainant has not named him while appearing as PW1 before the trial Court.

Keeping in view the above facts but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner Vikram alias Vicky is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- a. The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- c. He shall not leave the country without the prior permission of the Court.

(SURINDER GUPTA)
JUDGE

December 06, 2017
Sachin M.

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***