

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-22397 of 2017

Date of Decision: 06.07.2017

Pardeep

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

Present: Mr. Raman Chawla, Advocate
for the petitioner(s).

Mrs. Neelam Kashyap, Deputy Advocate
General, Haryana, for the respondent.

Shekher Dhawan, J.

Present petition is for grant of regular bail to petitioner, namely Pardeep in case FIR No. 103 dated 26.5.2017, registered under Sections 323, 342, 506, 149 & 147 IPC (Offences under Sections 364 & 120-B IPC and Section 25/54/59 of the Arms Act, 1959 were added lateron), at Police Station Bass, District Hansi.

Prosecution case that petitioner, along with his co-accused, forcibly put the complainant in vehicle and took him to village Bhatol near the hut of Jitender and thereafter gave him beatings, resulting into six injuries.

Learned counsel for the petitioner contended that name of the petitioner has been falsely added as his name was not disclosed in the first version of the complainant recorded on 26.5.2017. Even supplementary statement of the complainant was recorded on 27.5.2017 and name of the petitioner was not disclosed. The name of petitioner has cropped up on the basis of disclosure statement of his co-accused, so recorded, at the behest of the co-accused which is

legally not sustainable evidence. So, he be released on bail as he is already in custody since 29.5.2017.

Learned counsel for the respondent-State, while opposing the petition, contended that initially the version of complainant was that assailants were muffled and that is why name of the present petitioner was not mentioned in the FIR and his name was cropped up in the supplementary statement of the complainant. So, the present petition be dismissed.

Having considered the submissions made by learned counsel for the parties and the fact that name of the petitioner was not disclosed by the complainant on 26.5.2017 and even in his supplementary statement dated 27.5.2017, though the parties are admittedly known to each other. Even if the assailants were allegedly with muffled faces, no test identification was carried out to establish the identity of the present petitioner. Merely on the basis of name having been disclosed by the co-accused may not be legally a sustainable evidence. Hence, without expressing anything on merits of the case on this fact and taking into consideration the fact that the petitioner is in custody since 29.5.2017 and trial of the case may take long time, present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of his bail/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Hisar.

(Shekher Dhawan)
Judge

July 06, 2017
“DK”

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No