

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

CRL. MISC. No.M-29174 OF 2017
DATE OF DECISION : 16th AUGUST, 2017

Amit

.... Petitioner

Versus

The State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Ms. Alisha Soni, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed the present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.164 dated 06.05.2016 registered under Sections 323, 342, 302 read with Section 34 IPC at Police Station Narnaund, District Hisar.

Heard learned counsel for the rival parties.

Perused the dying declaration Annexure P-2. Learned counsel for the petitioner submits that Joginder and Rajesh who were named in the dying declaration, were declared innocent.

Learned State counsel, on instructions, submits that it was the DSP, who has declared Joginder and Rajesh as innocent.

The DSP is directed to file affidavit as to the basis on which they were declared innocent in the wake of Annexure P-2. The explanation on affidavit be tendered to this Court on or before 24.08.2017. No further time will be granted for this purpose.

Insofar as the present petition for bail of petitioner-Amit is concerned, the perusal of the dying declaration (Annexure P-2), prima facie, shows that no role has been attributed to him in the matter.

In that view of the matter, I am inclined to grant bail to the petitioner. Hence, I make the following order:

ORDER

- (i) The CRL. MISC. No.M-29174 OF 2017 is allowed
- (ii) The petitioner be released on bail to the satisfaction of the concerned CJM/Duty Magistrate.

The matter be put up on 24.08.2017 for awaiting the explanation as aforesaid.

Copy of this order be supplied to the learned State counsel for compliance under the signatures of the Bench Secretary.

16th AUGUST, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>