

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

**CRM-M-31142-2017 (O&M)
Date of decision: - 26.10.2017**

Kuldeep Singh

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: - HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: - Mr. Manoj Kumar Taya, Advocate for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J (ORAL)

This is a petition under Section 439 Cr. P.C. for grant of regular bail to petitioner in case FIR No. 1141 dated 27.11.2016 under Sections 302/34 IPC and under Sections 307 IPC read with Sections 25/54/59 of Arms Act added later on registered at Police Station Sadar Karnal, District Karnal.

Learned counsel for the petitioner submits that petitioner was not named in the FIR and after a period of about 52 days, he has been nominated when the police recorded the statement of Bala Devi, mother of the deceased Surender and his injured brother Sunil. He further submits that a perusal of the statement of Bala Devi shows that the only attribution to the petitioner is that he has snatched the *jelly* from the deceased whereas in the statement of Sunil injured it has come on record that the petitioner has brought Sunil's uncle Krishan along with weapons on a motor cycle at the place of occurrence.

It is further submitted that on the very next date of the incident statement under Section 161 Cr. P.C. of eye witness-Renu was recorded and she has nowhere named the petitioner and therefore, it is submitted that the presence of the petitioner at the place of occurrence is highly doubtful. He further submitted that a perusal of the FIR shows that sudden fight between the complainant and the accused side, who are closely related to each other was on account of changing the boundary of their agricultural land and the petitioner who is stated to be a friend of Krishan- accused, the paternal uncle of the deceased-Surender has no role in the commission of the offence.

Learned State counsel on instructions from SI Subhash Chand has not disputed the factual position.

Keeping in view the above fact, the present petition is allowed. Petitioner is released on regular bail on furnishing bail bonds/surety to the satisfaction of CJM/Duty Magistrate, Karnal.

However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case or found misusing concession of bail.

(ARVIND SINGH SANGWAN)
JUDGE

26.10.2017
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No