

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

CRM No. M-3234 of 2017 (O&M)

Date of Decision: 09.02.2017.

Virbhan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Devinder Singh, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana
assisted by ASI Upkar.

JITENDRA CHAUHAN.J.(ORAL)

The present petition has been filed under Section 439 the Cr.P.C seeking regular bail in case FIR No.226 dated 17.04.2016 registered under Sections 147, 148, 342, 302, 201 and 506 read with Section 149 IPC at Police Station Sadar Bhiwani, District Bhiwani.

Learned counsel for the petitioner contends that the the complainant who is an eye witness of the incident has not named the petitioner in the FIR. Even in the supplementary statement which was recorded on 18.4.2016, the petitioner is not named whereas, during investigation, no incriminating evidence could be collected against the persons named in the FIR i.e. Hari, Zile Singh, Ashok and Pawan. Except the disclosure statement of co-accused Maman, there is nothing on record to connect the petitioner with the crime. It is further submitted that co-accused Sushil Kumar has been admitted to bail vide

order dated 13.01.2017, Annexure P-2.

On the other hand, the learned State counsel, on instructions, submits that as per the disclosure statement, the petitioner along with co-accused caught hold of the deceased, therefore, he states that his active participation is made out. However, he, on instructions, submits that the petitioner is not involved in any other FIR.

Considering the fact that the petitioner is neither named in the FIR nor in the supplementary statement made by the alleged eye witness Ram Mehar and the fact that the petitioner is in custody since 09.08.2016, without commenting on the merits of the case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/duty Magistrate concerned.

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

09.02.2017.
SN

(JITENDRA CHAUHAN)
JUDGE

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