

CRM-M-32452-2017 (O&M)

Date of decision: 25.09.2017

Shiv Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Chanakya Pandit, Advocate, for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.105 dated 25.03.2016, under Sections 323, 324, 307, 341, 506 IPC and Section 25 of Arms Act, registered at Police Station Murthal, District Sonipat.

Learned counsel for the petitioner submits that though as per version given in the FIR, the petitioner has caught hold of the injured person Umesh Tyagi whereas the co-accused Shiv Om had caused injury which was declared dangerous to life. The cousin brother of the injured-Umesh Tyagi, namely, Somdutt while recording his statement under Section 161 of Cr.P.C. has not named the petitioner and has only named co-accused Shiv Om who caused knife injury to Umesh Tyagi. It is further submitted that the petitioner is in judicial lock up since 03.08.2017 and challan has already been presented. It is further submitted that in fact the petitioner was summoned under Section 193 Cr.P.C. by the trial Court and no prosecution witness has been examined so far, though 13 witnesses have been cited in the report under Section 173 Cr.P.C..

Learned counsel for the State, on instructions from ASI Sanjay Singh, has not disputed the facts but opposed the bail on the ground that the petitioner is named in the FIR.

Without commenting on the merits of the case, the present
petition is allowed. Petitioner be enlarged on regular bail subject to his
furnishing bail / surety bonds to the satisfaction of the Chief Judicial
Magistrate, concerned.

(ARVIND SINGH SANGWAN)
JUDGE

25.09.2017

Hemlata

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