

**Sr. No.211
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No. M-37024 of 2016 (O&M)

Date of Decision: 10.01.2017

Pawan Kumar @ Summy

... Petitioner

Versus

State of Haryana

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Sumit Gupta, Advocate,
for the petitioner.

Mr. Satish Saini, DAG, Haryana.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of the instant petition filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner in case FIR No.164 dated 28.02.2016, under Sections 148, 149, 188, 435, 136 of Indian Penal Code, registered at Police Station, Jhajjar.

Counsel for the parties have been heard.

Briefly, it may be noticed that the FIR in question came to be registered on the complaint of Joginder Singh who claimed himself to be the President of the District Jhajjar Brick Kiln Association and the allegations were that during the period of Jatt agitation in Haryana, certain furniture articles and documents belonging to the office of the Brick Kiln Association housed in the premises of Sarv Shri Chhotu Ram Dharamshala, Jhajjar had been damaged.

The present petitioner was arrested on 09.03.2016 in relation to two other FIRs i.e. FIR No.125 dated 25.02.2016 and FIR No.247 dated 07.03.2016, both registered at Police Station, Jhajjar.

It is not in dispute that in both the aforementioned FIR, petitioner

was granted benefit of bail.

Petitioner has also been implicated in a third FIR bearing No.191 dated 29.02.2016, under Sections 148, 149, 188, 435, 436, 454 and 380 IPC, Police Station, Jhajjar and in relation thereto he has been granted benefit of bail in the light of an order dated 11.11.2016 passed by this Court in CRM No. M-39723 of 2016.

Insofar as the present case is concerned, the petitioner was taken on production warrant on 12.08.2016 i.e. the day following when this Court had granted regular bail to the petitioner in FIR No.191 dated 29.02.2016.

During the course of arguments, learned State counsel upon instructions from ASI Narender Singh concedes that the only evidence collected by the investigating agency is the disclosure statement of the petitioner himself.

Challan in the present case has already been presented in August, 2016 and the matter is now at the stage of leading prosecution evidence.

In view of the peculiar facts and circumstances noticed hereinabove and without making any observations on merits, the petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate, Jhajjar.

Disposed of.

10.01.2017

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**