

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

CRM-M-38392 of 2017
DECIDED ON: NOVEMBER 20, 2017

SIRI OM @ SHIV OM

....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Ashit Malik, Advocate
for the petitioner.

Mr. Charanjit Singh Bakshi, Addl. AG, Haryana.

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JASPAL SINGH, J (ORAL)

CM No. 32866 of 2017

Application is allowed, as prayed for.

CRM No. M-38392 of 2017

By virtue of instant petition preferred under Section 439 Cr.P.C. petitioner has sought the regular bail in case FIR No. 105, dated March 25, 2016, under Sections 323, 324, 341, 506, 307, 34 IPC and under Section 25 of Arms Act, registered at Police Station Murthal, District Sonapat.

2. Undisputably, in pursuance of order dated October 30, 2017, complainant/injured-Umesh as well as eye witnesses and the Medical Officer have been examined by the trial Court. A glance at the certified copies of testimonies of Dr. Bhupinder Kumar, Medical Officer, Umesh-

complainant/injured, EASI Balwan clearly transpires that while appearing in the witness box they did not toe the line of prosecution and have not supported the prosecution version and have categorically stated that the assailants were not identified by either of them at the time of alleged occurrence.

3. Keeping in view the afore-said testimonies, this Court is of the considered view that it would not be desirable to keep the petitioner behind the bars for further period, as after the examination of afore-said witnesses there is no possibility either winning over the witnesses or tampering with the evidence. Otherwise, also petitioner is suffering incarceration since the date of his arrest i.e. March 26, 2016 i.e. for the last 1 ½ year.

4. Thus, keeping in view the afore-said aspects but without expressing any opinion on the merits of the case, instant petition is allowed and petitioner is ordered to be released on bail at the satisfaction of learned trial Court/CJM, Sonapat but with an undertaking from the petitioner that he will co-operate with the trial and will appear on each and every date fixed by trial Court.

NOVEMBER 20, 2017
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(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>