

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

**CRM-M No. 44524 of 2017
Date of Decision: 28.11.2017**

Suresh Seth

.....Petitioner

v.

State of Haryana

.....Respondent

CORAM HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present:- Mr. Kunal Dawar, Advocate, for the petitioner
Mr. Satish Saini, DAG, Haryana

SHEKHER DHAWAN, J.

Present petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No. 223 dated 17.3.2017, under Section 379B IPC and Section 25 of Arms Act (Sections 420, 325, 201 and 120B IPC added later on), registered at Police Station Sadar Palwal.

Learned counsel for the petitioner contended that in the original version of FIR, he is the complainant in the present case, on whose initiative the process of law came into motion and after investigation after a period of 3 months, he was arrayed as an accused without any basis. The petitioner is in custody since 10.6.2017. Co-accused namely; Ashok Kumar and Dinesh Kumar have already been released on bail. Trial of the case still to take some more time and no useful purpose would be served by detaining the petitioner behind the bars, so he be released on bail.

Learned State counsel, while opposing the bail petition, contended that as per subsequent statement recorded during investigation,

the petitioner is the main conspirator and he does not deserve the concession of bail.

Having considered the submissions made by learned counsel for the parties, this Court is of the view that, at this stage, it cannot be said with certainty that whether first version of FIR is correct or the subsequent version having the name of petitioner is the correct version. But without expressing anything on merits of this case, least that may not prejudice rights of either of the parties and taking into consideration that co-accused have already been released on regular bail and the petitioner is also in custody since 10.6.2017 and the trial of the case still to take some more time, the present petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of the concerned Chief Judicial Magistrate/Duty Magistrate.

The present petition stands disposed of.

(SHEKHER DHAWAN)
JUDGE

28.11.2017

Ashwani

Speaking/Reasoned
Reportable

Yes/No
Yes/No