

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.207

CRM-M-10182-2018

Date of decision : 19.03.2018

Nayab Singh @ Naib Singh

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Ish Puneet Singh, Advocate, for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

Mr. Vineet Chaudhary, Advocate, for the complainant.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks regular bail in case FIR No.225 dated 12.08.2017, registered at Police Station Rania, District Sirsa, under Sections 147, 148, 323, 365, 307, 120-B and 506 IPC and Sections 25 of Arms Act, 1959.

Learned counsel for the petitioner has contended that the petitioner is not named in the FIR and he has been nominated as an accused on the basis of disclosure statement made by a co-accused. The petitioner is an aged person of about 67 years of age and has been in custody since 04.01.2018 and therefore, he deserves to be released on regular bail.

On the other hand, learned State counsel opposes the grant of bail, but concedes the fact that the petitioner is not named in the FIR and that no over act has been attributed to him.

Learned counsel appearing for the complainant has however, submitted that the petitioner is the mastermind. He has placed reliance upon the disclosure statement referred by the counsel for the petitioner to submit

that the petitioner was the person, who directed the other accused to assault the complainant party and therefore, he should not be granted regular bail.

There is a long standing civil dispute between the parties and the present FIR is the result of the said dispute. The petitioner is not a hardened criminal and is only an agriculturist. The investigation is also complete, but the trial is not likely to be concluded in the near future.

Keeping in view the totality of the facts and circumstances of this case, I deem it appropriate to allow the petition. Accordingly, the petition is allowed. Petitioner, namely, Nayab Singh @ Naib Singh, is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court concerned. This is with rider that in case, the petitioner tries to influence the witnesses of this case, the prosecution/complainant would be at liberty to seek cancellation of bail.

(SUDHIR MITTAL)
JUDGE

19.03.2018

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No