

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

**Criminal Misc. No. M-12270 of 2018
Date of decision: 03.08.2018**

Satbir

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. S.S. Brar, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana
for the respondent-State.

Daya Chaudhary, J. (Oral)

Petitioner-Satbir has filed the present petition under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.195 dated 31.07.2017 registered under Sections 148, 149, 307 IPC and Section 25 of the Arms Act at Police Station Barauda, Gohana.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case whereas he has not played any role and he was not named in the FIR. Co-accused of the petitioner, namely, Naveen @ Chhout, against whom same allegations are there, has approached this Court by way of filing Criminal Misc. No. M-19858 of 2018 and he has been released on regular bail by this Court vide order dated 16.05.2018. Learned counsel further submits that the complainant has specifically mentioned the names of three accused, who have stated to have caused fire arm injury to his brother. The petitioner has been implicated in the case only on the basis of disclosure statement made by one of the co-accused who has stated that they have travelled on the motorcycle of the petitioner. Learned counsel also submits that the injured has been examined as PW1; Complainant as PW2 and other two alleged eye witnesses as PW3

and PW4 but none of them has supported the case of the prosecution. Learned counsel also submits that the petitioner is in custody since 02.08.2017. All material witnesses including eye witnesses and injured have been examined and there is no possibility of tampering with the evidence or to influence the witnesses. It is also the argument of learned counsel for the petitioner that no test identification parade was conducted by the police, which shows that the case of the prosecution is doubtful. The petitioner is not involved in any case.

Learned State counsel has not disputed the custody period as well as other submissions made by learned counsel for the petitioner.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file.

Admittedly, the petitioner was not named in the FIR and he has been implicated in the case only on the basis of vague allegations. Co-accused of the petitioner, namely, Naveen @ Chhout has been released on regular bail by this Court vide order dated 16.05.2018. All material witnesses have been examined and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence.

Accordingly, the present petition is allowed and the petitioner (Satbir) is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

03.08.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No