

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

CRM-M No.16369 of 2018

DATE OF DECISION:15.05.2018

Dinesh Kumar

...Petitioner

Vs.

State of Haryana

..Respondent

CORAM:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Pawan Attri, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

DAYA CHAUDHARY, J.(ORAL)

Through the present petition filed under Section 439 Cr. P.C., the petitioner seeks regular bail in case FIR No.375, dated 12.10.2017, registered under Sections 379-A and 120-B IPC at Police Station Civil Lines, Kaithal.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the case on the basis of disclosure statement. There was delay in lodging of the FIR which has not been explained. Petitioner was arrested on 05.01.2018 and since then he is in custody. Learned counsel also submits that during pendency of the trial, an application under Section 311 Cr. P. C. for re-examination of Investigating Officer was moved which was allowed by the trial Court and the order has been challenged by way of filing CRR No.1257 of 2018 which is pending for 11.07.2018. The operation of impugned order has also been stayed. Learned counsel also submits that because of pendency of the revision petition, the judgment may not be pronounced and no purpose would be served to keep the petitioner behind the bars.

Learned State counsel on instructions from ASI Lajwant Singh has opposed the submissions made by learned counsel for the petitioner on the ground that one more case is pending against the petitioner i.e. FIR No.457 of 2017 registered under Sections 387 and 120-B IPC. However, the petitioner is on bail in that case. Learned State counsel also submits that the trial is likely to conclude as all PWs have been examined and statement of accused under Section 313 Cr. P. C has been recorded. The case is fixed for pronouncement of judgment after raising arguments by both the parties.

Heard arguments of learned counsel for the petitioner and have also perused the documents of the file including contents of the FIR.

The petitioner is in custody since 05.01.2018 and because of pendency of revision petition before this Court and also on moving application under Section 311 Cr. P. C. the trial can be prolonged in spite of the fact that all witnesses have been examined.

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

It is made clear that in case the petitioner is found to be involved in some other case of similar nature, the State is at liberty to move an application for cancellation of the bail granted to the petitioner.

15.05.2018
rimpal

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No