

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

Sr. No.208

CRM-M-1863-2018

Date of decision : 20.02.2018

Karambir @ Karam @ Karampal

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

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

Mr. Munish Sharma, AAG, Haryana.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks regular bail in case FIR No.0197 dated 25.08.2017, registered at Police Station Cheeka, District Kaithal, under Sections 148, 149, 120-B, 124-A, 153-A, 186, 188, 307, 332, 353, 436, 506 IPC, Section 3 and 4 of Prevention of Damage to Public Property Act, 1984 and Sections 25 Arms Act, 1959.

Pursuant to order dated 23.01.2018, learned State counsel has filed report dated 16.02.2018 in Court today and the same is taken on record.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR and he was arrested four days after the registration of the said FIR on account of the statement of the co-accused. He further submits that although none of the witnesses examined so far, has named the petitioner.

On the other hand, learned State counsel submits that merely because the petitioner has not been named by some witnesses it cannot be concluded that the petitioner was not involved in the incident. He was part of a mob and it is difficult for witness to identify individual during a mob attack. However, it is not disputed that the petitioner was arrested on the basis of statement of co-accused and that he has been in custody since 29.08.2017.

Having heard learned counsel for the parties, I am of the view that the petitioner deserves to be released on regular bail for the reason that the investigation is complete and the trial is in progress. The petitioner has been in custody since 29.08.2017 and the trial is likely to take some time to conclude. Moreover, the petitioner has been arrested on the basis of statement of co-accused, which is a weak type of evidence under Section 30 of the Indian Evidence Act, 1872.

Thus, I deem it appropriate to allow this petition. Accordingly, the petition is allowed and the petitioner Karambir @ Karam @ Karampal, is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court concerned at Kaithal.

(SUDHIR MITTAL)
JUDGE

20.02.2018

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No