

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

Crl. Misc. No.M-20090 of 2018
Date of Decision: 06.07.2018

Sunny @ Kala

....Petitioner

Versus

State of Haryana

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Rakesh Nehra, Advocate
for the petitioner.

Mr. Tanuj Sharma, A.A.G., Haryana.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No.223 dated 22.09.2017 registered under Sections 25, 54, 59 and 27 of the Arms Act and 195 of IPC at Police Station Line Par, Bahadurgarh, District Jhajjar.

Learned counsel for the petitioner submits that the petitioner himself made a complaint but no action was taken by the police authorities. Subsequently, the petitioner has falsely been implicated in the case by attracting Section 195 IPC whereas no offence is made out. In the complaint made by the petitioner, no allegations were there against any person and the provisions of Section 195 IPC are not attracted. Petitioner has been made as an accused in the case whereas he was complainant. Nothing is to be recovered from him as the recovery has already been effected by the police

from the place of occurrence. Only on the basis of statements of two strangers, who have no concern with the present case, the petitioner has been made accused. The allegations levelled in the FIR and the statements made are matter of evidence but unexplained long delay is there as the statements of two persons were recorded after a period of 2½ months. Petitioner is in custody since 07.02.2018. As per statement made by the petitioner, he is 19 years of age and was a student at the time of lodging of FIR. Only the challan has been presented and it may take long time to conclude. No useful purpose would be served by keeping the petitioner behind bars. The petitioner is ready to abide by all terms and conditions to be imposed by this Court or by the trial Court, if any.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner on the ground of seriousness of offence. He further submits that the petitioner has made false statement which attracts Section 195 of IPC but he has not disputed the custody period and stage of trial.

Keeping in view the submissions made by learned counsel for the petitioner and on perusal of contents of FIR and also the statements of two persons recorded after a period of 2½ months; the recovery has already been effected; the allegations levelled in the FIR are the matter of evidence, which shall be considered during trial; the age of the petitioner as well as the fact that there is delay in recording of the statements, nothing has been shown as to why the police remained silent for a period of 2½ months and how these persons came into picture, the present petition is allowed and petitioner, namely, Sunny @ Kala is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

However, in case, the petitioner is found to be involved in any criminal case, the State is at liberty to move an application for cancellation of his bail.

06.07.2018
gurpreet

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No