

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

**CRM-M-27228-2018
Date of decision: 02.08.2018**

Dheeraj Saini

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Tapan Kumar Yadav, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 346 dated 07.12.2107, registered under Sections 302/34 of the IPC (Section 325 IPC added later on) at Police Station New Colony, Gurugram.

Learned counsel for the petitioner submits that as per the allegations in the FIR, the petitioner had had an altercation with deceased Sunder Lal and complainant Ravi Kumar and thereafter, the petitioner had called co-accused Jai Parkash @ Banti who caused injuries to the complainant as well as to the deceased.

Learned counsel for the petitioner further submits that complainant-Ravi Kumar, who appeared as PW-4, has not supported the prosecution version. This witness was declared hostile and in his cross examination, by the public prosecutor, he has denied the suggestion that the petitioner and co-accused Jai Parkash, who were present in Court, are the persons who caused injuries to him (Ravi Kumar) and deceased Sunder Lal.

Similar is the statement of an eye-witness Varun, who appeared as PW-7. This witness was also declared hostile and in his cross-examination, by the public prosecutor, he even denied the statement Ex. PK, made before the police on 07.12.2017, and even further stated that he was not present at the spot when the alleged incident had taken place. This witness also denied the suggestion that petitioner and co-accused Jai Parkash @ Banti are the person who caused injuries to the deceased.

Learned counsel for the petitioner further submits that the petitioner is in judicial custody since 07.12.2017 and he is not presently facing trial in any other case.

Learned State counsel filed custody certificate and has not disputed the factual position.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the statements of PW-4 and PW-7, photocopy of which has been placed on record, and also considering the fact that the petitioner is in judicial custody since 07.12.2017 and the conclusion of the trial is likely to take some time, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

August 02, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No