

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

**CRM-M-36158-2018
Date of Decision: 27.09.2018**

Satish @ Chhatish

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. Sandeep Kumar Yadav, Advocate
for the petitioner.

Mr. R.K. Doon, A.A.G. Haryana.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioner has sought for regular bail under the provision of Section 439 Cr.P.C in case FIR No.323 dated 03.10.2017 registered under Sections 332, 353, 186, 307, 34 IPC and Section 25 of Arms Act at Police Station Sadar Narnaul, District Mohindergarh.

2. Learned counsel for the petitioner has referred to Annexures P-1 and P-2 evidence of PW-1 (Dr. Himanshu) and PW-2 (ASI Mahesh Kumar) and so also reliance on MLR in respect of HC Kuldeep to point out that there are discrepancies. He further submitted that petitioner was arrested at the spot and from that day he is in custody. Trial of the case would take some time and no useful purpose would be served by detaining the accused behind the bar. There is no occasion to the petitioner to threat to the witness as the witnesses are police official.

3. On other hand, despite giving sufficient time on two occasions to the State, reply has not been filed. In fact on 8.9.2018, learned State counsel submitted that he intends to file reply. Thereafter, even to this day, reply has not been filed. Today, learned State counsel submitted that petitioner is a habitual offender. He is involved in four cases and out of which in two cases petitioner is acquitted and in one case challan has been filed and other case is pending consideration. In the challan case, petitioner is on bail.

4. Having regard to the discrepancies as is evident from Annexures P-1 and P-2 read with MLR where certain corrections have been carried out to the extent of over-writing and in view of the above facts and

circumstances so also the fact that trial would take some more time to conclude, without commenting on the merit of the case, petitioner-Satish @ Chhatish is ordered to be released on bail to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate.

5. However, the petitioner shall not in any way indulge in any criminal activities and he shall also not influence the witnesses or otherwise interfere with the fair trial.

6. Petition is allowed accordingly.

27.09.2018
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**