

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

CRM-M-38579-2017 (O&M)  
Date of decision : 29.01.2018

Jal Singh

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN**

Present: Mr. M.S. Tewatia, Advocate,  
for the petitioner.

Mr. Ramakant Sharma, AAG, Haryana,  
assisted by ASI Manoj Kumar.

**JITENDRA CHAUHAN, J. (Oral)**

The instant petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No.100 dated 08.04.2017, registered under Sections 148 read with Section 149, 294, 323, 325, 452, 354, 506 and 302 (added subsequently) of the Indian Penal Code, at Police Station Bahin, District Palwal.

This is the second bail petition moved by the petitioner under Section 439 Cr.P.C.

Contentends that the petitioner is not named in the FIR. The petitioner has been named in the supplementary statement recorded on 08.05.2017, after a lapse of a month. The statement of the complainant has already been recorded. The petitioner is not named in any other FIR. He is in custody since 08.05.2017.

On the other hand, learned State counsel opposes the prayer made and states that the petitioner actively participated in the crime. In fact, the petitioner immobilized the deceased and co-accused caused injuries.

Heard.

The petitioner is not named in the FIR. He is in custody since 08.05.2017. The fact that the complainant stands examined before the trial Court is a fresh circumstance in favour of the petitioner at this stage.

Keeping in view the above, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned. The petitioner shall also surrender his passport, if any, held by him, with the trial Court and shall not leave the country without prior permission of this Court.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

**29.01.2018**  
*atulsethi*

**(JITENDRA CHAUHAN)**  
**JUDGE**

Whether speaking / reasoned :      Yes      No

Whether Reportable :      Yes      No