

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

CRM-M-5073 of 2018
Date of Decision: 15.02.2018

Devender @ Kala

....Petitioner

Versus

State of Haryana

....Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. J.S. Bedi, Sr. Advocate with
Mr. Sunil Sihag, Advocate
for the petitioner.

Mr. Vikramjeet Singh, AAG, Haryana.

MAHABIR SINGH SINDHU, J.(Oral)

The present 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.376 dated 29.07.2016 registered under Sections 449, 302, 120 B, 34 of the Indian Penal Code and Sections 25, 54, 59 of the Arms Act at Police Station Sadar Bahadurgarh.

It is contended by learned counsel for the petitioner that the name of the petitioner is not mentioned in the FIR; rather his name has surfaced on account of supplementary statement made by the complainant on 29.09.2016, but as the matter of fact he has been arrested in the intervening night of 28-29.07.2016. It is further contended that there are total twenty three prosecution witnesses and out of them five have been examined till date.

The above factual position is duly acknowledged by learned State counsel.

Perusal of the paper book reveals that complainant has

been examined as PW 1 and his cross examination reads as under:

'As the police has lifted Devender from the village in the intervening night of 28-29 July 2016 in the present occurrence so on the basis of suspicion, I made statement against Devender about election rivalry and after that I have got mentioned his name.'

Perusal of the portion of the cross-examination of the complainant clearly reveals that he made the statement against Devender due to the election rivalry and after that he got his name mentioned in the supplementary statement. Out of 23 PW's only 5 have been examined and as such, trial will take a long time. Therefore, in view of the abovesaid circumstances no useful purpose would be served by keeping the petitioner behind the bars any more. Without expressing any opinion on the merits of the case, this petition is accepted. Petitioner-Devender @ Kala be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court.

[MAHABIR SINGH SINDHU]
JUDGE

February 15, 2018
rashmi

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no