

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54125-2018 (O&M)

Date of Decision:- 6.12.2018

Suresh Kumar

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Abhishek Jindal, Advocate, for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

By way of filing this petition, the petitioner assails order dated 21.11.2018 whereby the learned Additional Sessions Judge, Narnaul has upheld order dated 28.4.2017 passed by learned Chief Judicial Magistrate, Narnaul.

Learned counsel for the petitioner while assailing the impugned order has submitted that initially one of the accused arrayed in the complaint was described as Sube Singh i.e. accused No.3 but when his presence could not be secured, the complainant very conveniently mentioned his name as Sube Singh @ Suba @ Suresh Kumar and that the trial Court vide impugned order dated 28.4.2017 straightaway proceeded to issue Non Bailable Warrants for securing presence of petitioner Suresh Kumar.

Having heard the learned counsel for the petitioner and also having perused impugned order dated 28.4.2017 passed by learned Chief Judicial Magistrate, Narnaul as well as order dated 21.11.2018 passed by

learned Additional Sessions Judge, Narnaul, this Court finds that it is a case where the complainant had identified the accused but perhaps he was not aware of his correct name and it was subsequently that he came to know about the correct name of one of the accused i.e. accused No.3 to be Suresh Kumar. In these circumstances, this Court does not find any ground to interfere in the impugned orders and the same are hereby upheld.

However, it is clarified that this order shall not come into the way of the petitioner at the stage of trial or at the stage of consideration of charges, in case there is any question as regards identity of the petitioner and the petitioner would be at liberty to raise all such contentions pertaining to his identification. The petitioner shall appear before the trial Court within 10 days from today and move an application for grant of bail which shall be considered by the learned trial Court and disposed of on the same day itself.

Meanwhile, the arrest warrants shall not be executed for a period of 10 days.

The petition stands disposed off with aforesaid directions.

December 6, 2018

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No