

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

**Criminal Misc. No. M-8684 of 2018
Date of decision: 04.12.2018**

Pawan @ Poni

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Jasdev Singh Thind, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana
for the respondent-State.

Daya Chaudhary, J. (Oral)

The present petition has been filed by petitioner-Pawan @ Poni under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.831 dated 17.08.2017 registered under Sections 147, 148, 149, 307, 323, 324, 341 and 506 IPC at Police Station Sadar Hisar.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case whereas he was not involved. The petitioner is not having any criminal background. Learned counsel further submits that two co-accused of the petitioner have been released on regular bail by the trial Court and the role of the petitioner is also similar to them. Learned counsel also submits that all the material witnesses have been examined and the petitioner is in custody since 23.08.2017. Still trial may take some time to conclude. No purpose would be served by keeping the petitioner in custody.

Learned State counsel has not disputed the custody period as well as release of co-accused on bail but has opposed grant of regular bail to the petitioner on the ground that offence under Section 307 IPC is there and

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the petitioner cannot claim parity with co-accused. Learned State counsel also submits that out of total eighteen prosecution witnesses, six witnesses have been examined but complainant and injured have not been cross-examined. However, learned counsel for the petitioner submits that in the examination-in-chief, the witnesses have not specifically stated with regard to the role of the petitioner.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file.

Without commenting anything on the merits of the case and keeping in view the submissions made by learned counsel for the petitioner that the petitioner is in custody since 23.08.2017; two co-accused of the petitioner have been released on bail by the trial Court; out of total 18 prosecution witnesses, six witnesses have been examined; the trial may take time to conclude; no purpose would be served by keeping the petitioner in custody, the present petition is allowed and the petitioner (Pawan @ Poni) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

However, the petitioner is directed not to influence the witnesses and tamper with the evidence after his release on bail. In case, any effort is being made to influence the witnesses, the State is at liberty to move an application for cancellation of bail.

04.12.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned Yes

Whether Reportable No