

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

**Criminal Misc. No. M-17974 of 2018
Date of decision: 06.02.2019**

Sukha Singh

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Rahul Rathore, Advocate
for the petitioner.

Mr. Rajesh K. Sheoran, Addl. A.G., Haryana
for the respondent -State.

Mr. Pankaj Kaushik, Advocate
for the complainant.

Daya Chaudhary, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.08 dated 03.01.2018 registered under Sections 307, 506 read with Section 34 IPC and Section 25 of the Arms Act at Police Station Assandh, District Karnal during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case whereas he was not involved and only on the basis of general allegations, he along with his co-accused has been implicated. No specific role has been attributed to him. Learned counsel further submits that as per version of the complainant, there was heavy fog on the day of occurrence and the lives of complainant and other

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persons were saved. Learned counsel also submits that as per FIR, the occurrence took place in front of house of the complainant whereas as per site plan, the place of occurrence is different, which is few kilometers away from the alleged place of occurrence. No injury has been declared to be dangerous to life. Recovery of .315 bore pistol has falsely been planted upon the petitioner. The petitioner is in custody since 05.01.2018. Complainant and one injured have been examined and out of two more injured, one is out of country and other is resident of UP and he is not coming forward for getting his statement recorded.

Learned State counsel has not disputed the custody period as well as examination of complainant and one injured but has opposed grant of regular bail to the petitioner on the ground that two more injured still remain to be examined.

Learned counsel for the complainant has also opposed grant of regular bail to the petitioner on the ground that grievous injuries were caused to injured persons and two injured still remain to be examined.

Heard arguments of learned counsel for the parties 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 custody since 05.01.2018; complainant and one injured have been examined; out of two more injured, one is out of country and other is resident of UP and is not coming forward for getting their statements recorded, the present petition is allowed and the petitioner (Sukha Singh) is directed to be released on regular bail on furnishing

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bail/surety bonds to the satisfaction of the trial Court.

However, the petitioner is also directed not to influence the witnesses or tamper with the evidence.

In case, any threat is there to the complainant party, they are at liberty to move application for cancellation of bail.

06.02.2019
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No