

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

CRM-M No. 40017 of 2018 (O&M)

Date of decision : 11.02.2019

Nikhil Chauhan alias Chintu

.....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Ramesh Kumar Bamal, Advocate for the petitioner.

Mr. Rajesh K. Sheoran, Addl. A. G., Haryana.

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DAYA CHAUDHARY, J. (Oral)

CRM No.3648 of 2019

This application is for placing on record certified copies of statements of PW-1 Satpal Singh (Annexure P-4) and PW-2 Paramjeet Singh (Annexure P-5).

Application is allowed and Annexures P-4 and P-5 annexed with the application are taken on record.

CRM-M No.40017 of 2018

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.155 dated 13.04.2018 under Sections 148/149/323/307 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959, registered at Police Station – Ambala Cantt., during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated. There are general allegations against him. The

injury attracting Section 307 IPC is attributed to main accused Bhupi Rana. Complainant and the injured have been examined, who have not supported the case of the prosecution. Co-accused of the petitioner namely Kamal Kumar and Dilawar Singh have been released on bail vide orders dated 28.05.2018 and 24.01.2019 passed in CRM-M Nos.23000 of 2018 and 39592 of 2018, respectively. Petitioner is in custody since 22.04.2018 and no purpose would be served by keeping him in custody

Learned State counsel has not disputed the custody period and also release of co-accused on bail. It has also not been disputed that the allegations of Section 307 IPC are there against main accused Bhupi Rana.

Heard arguments of learned counsel for the parties and have also perused the contents of the FIR and other documents available on record.

By considering the custody of the petitioner since 22.04.2018 and the fact that two co-accused, as mentioned above, have already been released on bail; complainant and injured have been examined and they have not supported the case of the prosecution, no purpose would be served by keeping the petitioner in custody. Accordingly, present petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing adequate bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

11.02.2019

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No