

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

**CRM-M-24559-2019
Date of decision: 24.07.2019**

Nishant Singh @ Nishan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Raman Chawla, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This 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. 693 dated 19.11.2018, registered under Sections 307, 34 of the IPC and Sections 25, 54 of the Arms Act, 1959 (Sections 120-B and 216 of the IPC added later on) at Police Station Civil Lines, Hisar, District Hisar.

Learned counsel for the petitioner submits that the petitioner was neither named in the complaint given to the police by the complainant nor he is mentioned in the FIR.

Learned counsel for the petitioner further submits that as per the statement of the complainant, it is stated that he has old enmity with co-accused Ajay @ Bachhi who has caused injuries to him.

Learned counsel for the petitioner further submits that as per the prosecution version, the incident was recorded in a CCTV camera, however, the presence of the petitioner was not found there.

Learned counsel for the petitioner further submits that the

petitioner has been named only on the disclosure of co-accused Ajay @ Bachhi and since the petitioner was named in some other FIRs and was granted bail in all the FIRs, he was nominated in the present FIR immediately after he was released on bail.

Learned State counsel, on instructions from SI Narinder Pal Singh, submits that except the disclosure of co-accused Ajay @ Bachhi, there is no other evidence against the petitioner and as per the custody certificate, filed today in Court, the petitioner is in judicial custody since 24.11.2018. It is further submitted that the case is fixed for prosecution evidence, however, no prosecution witness has been examined so far.

A perusal of the custody certificate shows that the petitioner is on bail in all the FIRs referred to in the order of the Additional Sessions Judge, while rejecting the bail application of the petitioner.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the submissions of learned counsel for the parties, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

24.07.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*