

219-A

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44450-2019 (O&M)

Date of decision-05.12.2019

Harvinder Kumar @ Binder

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. K.S.Dhanora, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

CRM-37801-2019

Application is allowed as prayed for.

Annexures P-3 and P-4 are taken on record.

Main case

Petitioner-Harvinder Kumar @ Binder has prayed for grant of regular bail under Section 439 Cr.P.C in case FIR No.145 dated 21.06.2018 registered under Sections 302, 411 and 109 read with Section 34 of Indian Penal Code, 1860 at Police Station Cheeka, District Kaithal. The petitioner is in custody since his arrest on 26.06.2018.

The FIR was registered on the statement of Surender Singh, wherein it was alleged that on 20.06.2018, he received a call from his son that he will come tomorrow. On next day, i.e. 21.06.2018, complainant

received call from SHO Cheeka that his son got injured and was admitted at PGI, Chandigarh. Upon reaching there, he was further informed that some unknown persons have caused injuries to the son of the complainant.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He submits that the petitioner has been indicted in the present FIR on the disclosure statement of the co-accused. He further contends that material witness-Sunil Kumar has not supported the prosecution case. Learned counsel has invited the attention of the Court to the deposition of the said witness (Anenxure P-4). He refers to order dated 02.09.2019 passed by the trial Court whereby co-accused has already been extended the concession of regular bail. He submits that investigation of the case is complete and only 07 prosecution witnesses have been examined out of total 32 witnesses, therefore, further custody of the petitioner may not be justified.

On the other hand, learned State counsel assisted by ASI Virender opposed the prayer. However, it is not disputed that prosecution witness-Sunil Kumar has not supported the prosecution case, who was declared hostile by trial Court.

After hearing learned counsel for the parties, this Court is of the opinion that trial of the case is likely to consume considerable time as prosecution has to examine remaining 25 prosecution witnesses, therefore, further custody of the petitioner may not be justified. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing

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

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

05.12.2019
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No