

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-44098-2019 (O&M)

Date of Decision:-23.1.2020

Kuldeep

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Susheel Gautam, Advocate for the petitioner.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana,
assisted by HC Devinder.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.1156 dated 18.8.2018 at Police Station City, Panipat, District Panipat under Sections 379-B and 365 of Indian Penal Code.
2. When the matter was taken up on 8.1.2020, following order was passed:

“The learned counsel for the petitioner submits that when the complainant Parveen Kumar stepped into witness box, he did not fully identify the petitioner to be the accused and simply stated that the accused looked alike the petitioner Kuldeep. The learned counsel in this regard has drawn the attention of this Court to a copy of statement of PW-1 annexed with the petition as Annexure P-2. However, a perusal of the said statement reveals that the name of witness is recorded therein as Arvind Kumar son of Sumer Singh, whereas the complainant is named as Parveen Kumar son of Sumer Singh.

A report be sought from the Trial Court concerned as to whether there is some typographical mistake in recording name of the witness or as to whether the said statement pertains to some Arvind Kumar and not to the complainant Parveen Kumar.

List on **23.1.2020.**”

3. Report of learned Additional District and Sessions Judge, Panipat has been received, wherein it has been clarified that name of the witness, whose statement had been recorded on 14.5.2019 (Annexure P-2), is infact Parveen Kumar, which has been incorrectly written as Arvind Kumar in the said statement. It has further been reported therein that it is infact the complainant Parveen Kumar, who had signed on all the three pages of the statement recorded on 14.5.2019 (Annexure P-2).
4. Since the complainant Parveen Kumar, while in the witness-box, has not identified the petitioner in unambiguous terms to be the accused and has simply stated that the accused looked like the petitioner Kuldeep and while also bearing in mind that the petitioner has been behind bars since the last 1 year and 3 months and till date only 2 out of cited 14 PWs have been examined, further detention of the petitioner would not serve any useful purpose as the conclusion of trial is likely to take some time.
5. The petition, as such, is accepted and it is ordered that the petitioner be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

23.1.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No