

CRM-M-50813-2019 (O&M)

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

**CRM-M-50813-2019 (O&M).
Decided on: February 25, 2020.**

Rajinder @ Kala

.. Petitioner

VERSUS

State of Haryana

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.K.D.S.Hooda, Advocate,
for the petitioner.**

Mr.Munish Sharma, AAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (for short the 'Cr.P.C.'), seeking regular bail in FIR No.885 dated 23.07.2018, under Sections 148, 149,302 and 212 of IPC, registered at Police Station, City Karnal, District Karnal.

Learned counsel for the petitioner has argued that in the present FIR the allegations against the petitioner are totally false and

CRM-M-50813-2019 (O&M)

concocted and the same has been substantiated from the fact that as per the FIR itself complainant namely Dharambir son of Maan Singh, who had got recorded the FIR had stated that the petitioner namely Rajinder @ Kala, only gave knife blows to Shish Pal deceased. He has further pointed out to the statement of Dharambir made under Section 164 Cr.P.C. before the learned Magistrate in which same Dharambir had appeared as a prosecution witness and had deposed that Munish son of Kanwarpal attacked with knife on the thigh of Shishpal. However the role attributable to the petitioner is that he had caught hold of Shishpal and therefore, learned counsel for the petitioner states that entire prosecution story gets demolished from the statement which is made by the complainant namely Dharambir. He has further stated that the petitioner is in custody since 25.7.2018 which is a long period and the prosecution evidence is going on and out of 19 witnesses only 5 have been examined. He has further submitted that there is no other case pending against the petitioner in any other Court of law.

Learned State counsel, on instructions from ASI Ashok Kumar, does not dispute the custody period as well as the fact that out of 19 witnesses only 5 witnesses have been examined and that the petitioner is not involved in any other case. However, so far as the discrepancies in the statement of complainant Dharambir is concerned, learned State counsel submits it is a matter of evidence and would be decided during the trial.

I have heard the learned counsel for the petitioner as well as learned State counsel and have gone through the paper book.

The statement which was made by the petitioner has been

CRM-M-50813-2019 (O&M)

annexed as Annexure P4 wherein the role attributed to the petitioner is that he caught hold of deceased. So far as stabbing of deceased with knife is concerned, the same is attributed to Munish who is stated to be a proclaimed offender.

Be that as it may, this Court refrains itself from making any observations on the merits of the case, however, for the purpose of deciding the present application for the grant of bail, considering the fact that the petitioner is in custody since 25.7.2018 and out of 19 witnesses cited by the prosecution only 5 witnesses have been examined coupled with the admitted fact that the petitioner is not involved in any other case and the conclusion of trial is likely to take some time, I deem it appropriate to admit the petitioner regular bail. Apart from this, it is not a case of State that in case petitioner is released on bail then there is likelihood that he may tamper with record or influence any witness. Consequently, the petition is allowed. It is ordered that the petitioner shall be released on bail on his furnishing bail bond/surety bond to the satisfaction of the trial Court.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

February 25, 2020.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No