

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

**Criminal Misc. No.M-2282 of 2021
Date of Decision: 21.01.2021**

...Petitioner(s)

Umesh

Vs.

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. S. K. Verma, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG., Haryana.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.0281 dated 20.06.2020 under Sections 323, 324, 325, 395, 397, 452 and 506 IPC and Section 25 of Arms Act registered at Police Station Tosham, District Bhiwani.

Learned counsel for the petitioner contends that the petitioner is in custody since 10.11.2020. The alleged incident took place on 19.6.2020 whereas the FIR was registered on 20.06.2020. He further submits that the petitioner was not named in the FIR and he has been named in the present case on the basis of supplementary statement of the complainant recorded on 30.10.2020. In the initial version, the allegations were leveled against

other co-accused namely Suryakant Kawari, Krishan Baganwala, Sandeep Mundhal and Monu Harita and 2-3 unknown persons. The background of dispute was an attack which had taken place 3-4 days ago.

Learned counsel for the State does not dispute the fact that the name of the petitioner appeared in the supplementary statement of the complainant. The complainant has substituted the name of all the accused as originally stated in the FIR version.

Heard learned counsel for the parties.

In the initial version of the FIR, there is no allegation against the petitioner and the name of the petitioner figured only in the supplementary statement of the complainant. The complainant has altogether projected a different story as regards the accused named in the case.

Considering the fact that the petitioner is in custody since 10.11.2020 and coupled with the fact that trial in the case may take long time, I deem it appropriate to release him on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

However, the observations made hereinabove shall not be construed as any expression on the merits of the case.

January 21, 2021
archana

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No