

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

**Criminal Misc. No. M-10476 of 2015
Date of Decision: 28.4.2015**

Rajender Sangwan

--Petitioner.

Vs.

State of Haryana

--Respondents.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Partap Singh, Advocate
for the petitioner.

Mr. Ashish Yadav, Additional A.G. Haryana.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No. 375 dated 12.4.2013 under Sections 302/201/34 IPC, registered at Police Station Sadar Hisar.

Notice of motion was issued.

Learned counsel for the petitioner submits that the petitioner is inside jail for the last more than two years. Trial is going at a slow pace. He refers to the statemtns of PW-2 and PW-3 at Annexures P-3 and 4, to contend that these were the two important PWs who have not supported the prosecution story. He further submits that PW2 was produced to prove the last seen evidence against the petitioner, but he has not supported the prosecution version. He concluded by submitting that since out of total 25 witnesses, only six have been examined so far, trial is not likely to be concluded in the near future. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Mahinder Singh, Police station Sadar Hisar, submits that trial has not been unduly delayed. Complainant has supported the prosecution version. Since petitioner is the only accused, he is not entitled for the concession of bail pending trial. He prays for dismissal of the petition.

Having heard the learned counsel for the parties and after careful perusal of the record of the case, this Court is of the considered opinion that keeping in view the peculiar facts and circumstances of the case, petitioner deserves the concession of bail pending trial. It is so said, because he is inside the jail for the last more than two years. Since 19 more prosecution witnesses are yet to be examined, conclusion of trial will take some time. However, this Court restrains itself from commenting anything about the evidence led so far, including that of PW2 and PW3, lest it should prejudice the rights of either of the parties.

In view of the above, instant petition is allowed. Petitioner is directed to be released on bail pending trial, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial court/ Duty Magistrate, Hisar.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

28.4.2015
Ak Sharma