

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

**CRM No.M-29892 of 2015
Date of Decision: 08.10.2015**

Monu alias Lala

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HONBLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Sandeep Kotla, Advocate for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

Mr. Gulshan Mehta, Advocate for the complainant.

DAYA CHAUDHARY J. (ORAL)

The present petition has been filed under Section 439, Cr.P.C., for grant of regular bail to the petitioner in case FIR No.108 dated 22.05.2012 registered under Sections 323, 325, 328, 342, 302, 148 and 149 of the Indian Penal Code at Police Station Agroha, District Hisar.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas, as per the allegations levelled in the FIR, the injury attributed to the petitioner is on the private part of deceased-Dhiraj but as per the post mortem report no such injury was found on person of the deceased. Learned counsel further submits that after examining the complainant Sumitra Devi, an application under Section 319 Cr.P.C. for summoning as an additional accused, was filed which was allowed. The petitioner is in custody since 13.06.2012 and out of total 38 prosecution witnesses, nine have been examined, seven have been given up and 22 witnesses still remains to be examined and trial may take long time to conclude.

There is no possibility of influencing the witnesses as all the material witnesses have already been examined. The petitioner is facing the agony of trial since registration of FIR i.e. 22.05.2012.

Learned counsel for the State has not disputed the custody period but opposes grant of bail to the petitioner. He submits that individual role is to be seen when the FIR has been registered under Sections 148 and 149 IPC.

Learned counsel for respondent No.2-complainant has also opposed the grant of bail to the petitioner.

Heard the arguments advanced by learned counsel for the parties and have also gone through the contents of the FIR.

It is an admitted fact that the present petitioner is in custody since 01.06.2012. Earlier the trial was delayed due to pendency of an application under Section 319 Cr.P.C. which was allowed by the trial Court. Out of total 38 prosecution witnesses, nine have been examined, seven have been given up and 22 prosecution witnesses still remains to be examined.

Keeping in view the fact that all material witnesses have been examined; the petitioner is in custody since 13.06.2012; trial may take long time to conclude, no purpose would be served by detaining the petitioner in custody any further; the present petition is allowed. The petitioner, namely, Monu alias Lala is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

08.10.2015
Bhumika

(DAYA CHAUDHARY)
JUDGE