

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

CRM No.M-37231 of 2015

Date of decision: 06.11.2015

Vipul @ Vishu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Sunil Saharan, Advocate for the petitioner.

Mr. Yashwinder Singh, DAG, Haryana.

Jitendra Chauhan, J. (Oral)

By filing the present 3rd petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No.589, dated 01.07.2014, registered under Sections 307, 341, 34 IPC and Section 25 of Arms Act, at Police Station City Hisar, District Hisar.

It is contended that on 30.07.2015, the second bail petition was dismissed on merit. In the interregnum period, the trial came up for hearing number of times but the same has not achieved any progress. The petitioner was a student of 10+2 at the time of occurrence. No injury has been attributed to the petitioner. Out of total 18 witnesses, no one has been examined so far. The only incriminating evidence against the petitioner collected by the

prosecution is the recovery of vehicle i.e. Activa scooter which is in the name of father of the petitioner. The co-accused Manish @ Baniya has now been arrested and a denovo trial would commence. The petitioner is in custody since 21.10.2014.

On the other hand, the learned State counsel opposes the prayer of bail and states that the petitioner is the facilitator of the crime. The vehicle i.e. Activa scooter involved in the crime was recovered from him.

I have heard learned counsel for the parties and perused the record.

This is the 3rd bail application. The first bail application was dismissed as withdrawn and the second was dismissed on merit. It is to be noticed that the trial has not proceeded further. Out of total 18 witnesses, none has been examined so far. The non examination of the PWs in the interregnum period is a circumstance in favour of the petitioner. Therefore, it can be safely inferred that the trial is not likely to be concluded in the near future, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court.

06.11.2015

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(JITENDRA CHAUHAN)
JUDGE