

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

**Criminal Misc. No. M-42127 of 2014
Date of decision: 18.02.2015.**

Ajay and another

..Petitioners

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment?**
- 2. To be referred to reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr. V.P. Singh, Advocate
for the petitioners.

Mr. Munish Sharma, A.A.G., Haryana
for the respondent – State.

Daya Chaudhary, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. on behalf of the petitioners, namely, Ajay and Rajesh, for grant of regular bail in case FIR No.246 dated 06.09.2012, under Sections 148, 149, 302, 323, 341 and 216 of Indian Penal Code registered at Police Station Kalanaur, District Rohtak.

Learned counsel for the petitioners submits that the petitioners are in custody for the last more than 2 years and 2 months. Total 24 accused persons were named in the FIR but the challan was presented only against 17 persons and 7 persons were kept in column

No.2. Subsequently, an application was also moved under Section 319 Cr.P.C. for summoning of three persons, which was allowed and said persons have been released on anticipatory bail. Learned counsel for the petitioners also submits that co-accused of the petitioners, namely, Sonu and Sanjay, who are similarly situated, have been released on regular bail and the trial will take long time in conclusion as after allowing the application under Section 319 Cr.P.C., it would be a case of *de novo* trial.

Learned State counsel has not disputed the submissions made by learned counsel for the petitioners regarding *de novo* trial as well as allowing the application under Section 319 Cr.P.C.

In view of the submissions made by learned counsel for the petitioners and also the fact that the petitioners are behind the bars for the last more than 2 years and 2 months; even a single witness has not been examined so far after allowing application under Section 319 Cr.P.C, it would be a case of *de novo* trial, which may take long time in conclusion, the present petition is allowed and the petitioners (Ajay and Rajesh) are directed to be released on regular bail subject to furnishing bail/surety bonds to the satisfaction of the trial Court or any other terms and conditions, if deemed necessary, by the trial Court.

18.02.2015
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(DAYA CHAUDHARY)
JUDGE