

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14530-2016

Date of decision: August 04, 2016.

Rajesh

... **Petitioner**

v.

State of Haryana

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Shri Aman Pal, Advocate for the petitioner.

Ms. Tanushreet Gupta, Assistant Advocate General, Haryana.

Shri Amit Sharma, Advocate for the complainant.

A.B. Chaudhari, J. (Oral):

Heard learned Counsel for the rival parties in FIR No.238 dated 15.6.2013, registered under Sections 302/120-B IPC and 25, 54, 59 of the Arms Act, Police Station Shivaji Colony, Rohtak. The petitioner was arrested and is in jail since 16.6.2013.

Learned Counsel for the petitioner has invited my attention to the order dated 12.1.2015 (Annexure P-3) passed by this Court directing holding of trial on day-to-day basis. Though the order was passed in January 2015, it is reported at the Bar that as yet the trial is not over and it is now posted for defence evidence when the prosecution has filed an application for recalling the witnesses, numbering four.

In my opinion, looking to the period that has passed from

January, 2015 when this Court made order dated 12.1.2015 for expediting the trial on day-to-day basis and the further fact that the prosecution intends to recall the witnesses with the help of the court, the petitioner is required to be released on bail as his liberty cannot be curtailed till infinity. In that view of the matter and particularly because the prosecution has intended to recall the witnesses, the petitioner deserves to be enlarged on bail.

Hence, this petition is allowed. The petitioner is ordered to be released on bail to the satisfaction of Chief Judicial Magistrate, Rohtak.

[**A.B. Chaudhari**]
Judge

August 04, 2016.
kadyan

Whether speaking/reasoned Yes/No

Whether reportable Yes/No