

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

CRM-M-28074-2016

Date of decision: October 18, 2016.

Sumit @ Sunny

... **Petitioner**

v.

State of Haryana

... **Respondent**

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

Present: Shri S.S. Duhan, Advocate for the petitioner.

Ms. Tanushreet Gupta, Deputy Advocate General, Haryana.

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

Heard learned Counsel for the rival parties. In FIR No.197 dated 18.6.2009, under Sections 148, 149, 307, 302, 120-B, 212, 404 IPC and 25/54/59 of the Arms Act, PS Sampla, District Rohtak, the petitioner was arrested on 8.9.2009 and is in jail since then. Learned Counsel for the petitioner submits that the petitioner was arrested on 8.9.2009 against which Learned Counsel for the State submits that the petitioner was arrested on 8.2.2013. Learned Counsel for the petitioner submits that as against the petitioner, there is no admissible evidence. Learned Counsel for the State submits that the disclosure statements of the co-accused and of the petitioner is the evidence against the petitioner showing that the petitioner had paid an amount of Rs.80,000/- by way of *supari* for elimination of the deceased. It appears that beyond that, there is no other evidence.

Learned Counsel for the petitioner has pointed out order dated

15.9.2016 in CRM-M-16787-2016 made by this Court. I have seen that order. In that case, this Court granted bail because the petitioner was in jail for the last seven years and the trial was not likely to be completed because of application under Section 319 Cr.P.C. being allowed by the trial court. Though, in the instant case, period appears to be above three years, I find that looking to the nature of evidence against him, the petitioner cannot be detained in jail as an under-trial any more. At any rate, as observed also, there is no likelihood of the trial being completed at the earliest in view of order under Section 319 Cr.P.C. made by the trial court.

Hence, this petition is allowed. Bail to the petitioner to the satisfaction of the trial court/CJM concerned.

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

October 18, 2016.
kadyan

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No