

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

***CRM No.M-28889 of 2015 (O&M)
Date of Decision: 11.02.2016***

Sahab Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Ms. Tanu Bedi, Advocate for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

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TEJINDER SINGH DHINDSA.J.

This order shall dispose of the present petition filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner pending trial in case FIR No.176 dated 02.04.2013, under Sections 148/149/323/307/506 IPC (Sections 353/302 IPC added later on) and Sections 25/27/54/59 of the Arms Act, registered at Police Station Assandh, District Karnal.

Counsel for the parties have been heard.

FIR came to be registered on the statement of a police official, namely, Mandeep Kumar. Prosecution version is that information having been received with regard to an exchange of firing between two groups in Indira Colony, Assandh, a police party reached on the spot and found 50-60 persons present armed with *lathis* and *dandas*. Firing was also being resorted to. Allegation is that one young boy even aimed fire at SI Mandeep Kumar with a double barrel gun, but the complainant had escaped by sitting down. The genesis of the occurrence appears to be a dispute between the present petitioner Sahab Singh and Sewa Singh regarding a house in Indira Colony. One Vikash @ Rinku stated to be belonging to the Sewa Singh

group lost his life in such firing incident of 02.04.2013.

The present petitioner has been nominated as an accused and the charge of having fired at deceased Vikas @ Rinku is attributed to him on the basis of statement of Ajmer Singh and Surinder Singh recorded under Section 161 Cr.P.C. Petitioner was arrested on 10.04.2013.

Investigation having been completed, challan was presented on 02.07.2013 and the charges were framed on 29.11.2013. It has gone uncontroverted that the trial has not made much progress till date inasmuch as out of 35 prosecution witnesses cited only 3 have been examined till date.

The right to a speedy trial of an under trial cannot be over emphasized. The petitioner has already suffered incarceration for a period of almost 34 months.

It is not the case made out on behalf of the State that the petitioner would be in a position to thwart/hamper the course of trial if he is granted the benefit of regular bail.

In the totality of the circumstances and keeping in view the length of incarceration already suffered by the petitioner, he is held entitled to the benefit of bail.

Accordingly, petition is allowed. Petitioner be enlarged on bail subject to the satisfaction of trial Court/Duty Magistrate, Karnal.

Disposed of.

11.02.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**