

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

Cr. Misc. M 30905 of 2016

Date of decision: 29.11.2016

Rahul

Petitioner

vs.

State of Haryana

Respondent

Present: Mr. BS Tewatia, Advocate.
Mr. CS Bakshi, Addl.A.G. Hry
Mr. Gaurav Rana, Advocate

M.M.S.BEDI,J.

The petitioner has been in custody w.e.f. 13.6.2012. His earlier petition along with other co-accused for bail was dismissed on 6.10.2014.

Counsel for the petitioner has inter alia argued that the petitioner has been in custody since June 2012. A period of more than 4 years and 5 months having elapsed, the petitioner should be granted the concession of bail as the trial has been delayed on account of an application u/s 319 Cr.P.C. having been allowed by the trial court. The material witnesses are stated to have been examined.

With the assistance of counsel for the parties, I have gone through the allegations against the petitioner. The petitioner, as a member of an unlawful assembly, allegedly gave a saria blow on the waist of the complainant and also fired at him, which did not hit him. While dismissing the earlier petition for bail by this court, it was observed that 20 prosecution witnesses out of 35 had been examined. After allowing the application u/s 319 Cr.P.C. de novo trial has been initiated.

Counsel for the complainant has urged that the liability of the

petitioner is co-extensive with the co-accused as he was a member of an unlawful assembly.

Taking into consideration the fact that the petitioner has been in custody for the last about 4 ½ years, the role of the petitioner i.e having not caused any injury on the person of any one with a fire arm and no injury having been attributed on the person of the deceased, he can be granted the concession of bail.

Accordingly, the petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/ surety bonds to the satisfaction of the trial court

November 29 ,2016
TSM

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether Reportable

Yes/ No