

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

CRM-M-34233 of 2016(O&M)

Date of Decision:20.10.2016

Dushyant

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR

Present: Mr. Ashit Malik, Advocate
for the petitioner.

Mr. Karan Sharma, Asst. A.G., Haryana.

SNEH PRASHAR, J.(Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (Cr.P.C.) for grant of concession of regular bail to the petitioner in case First Information Report No. 146 dated 01.10.2012, under Sections 148, 149, 307 of the Indian Penal Code and Section 25 of the Arms Act registered at Police Station, Tigaon, District Faridabad.

Heard the submissions made by Mr. Ashit Malik, Advocate representing the petitioner and Mr. Karan Sharma, Asst. A.G., Haryana. representing the State.

Learned counsel for the petitioner submits that the only role attributed to the petitioner had come in the statement of injured- Dhara Chaprana recorded before the trial Court. He stated that he was caught hold of by Amit and Dushyant(applicant) while Praveen, Jony and Bhoora fired gun shots towards him, one of which hit on his right side rib and the other on the left hip. Learned counsel contends that the petitioner had no notice of the case and was not arrested by the police

but was got declared Proclaimed offender by them. He is now in custody since 03.07.2015 and is facing trial. Examination in chief of the complainant has been recorded and thereafter prosecution has filed an application for summoning of an additional accused. Final report in the matter has already been filed by the police and no weapon was recovered from the petitioner.

On the other hand learned State counsel submitted that the petitioner remained proclaimed offender during trial of his co-accused who were convicted.

The petitioner is since in custody for the last more than 15 months. As submitted by learned counsel for the petitioner the prosecution has moved an application for summoning of an additional accused, which means the trial will still take some time to complete. Considering the facts and circumstances and without going into the merits of the case and also finding no plausible ground to detain the petitioner further in custody, he is admitted to regular bail during pendency of the trial, subject to his furnishing bail/surety bonds, to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Faridabad.

(SNEH PRASHAR)

October 20, 2016
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JUDGE

Whether Speaking/reasoned? Yes

Whether Reportable? No