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

CRM-M-36671 of 2016

Date of decision: October 25, 2016

Murasleen

.....Petitioner

Versus

State of Haryana

.....Respondent

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

Present: Mr. Vikram Singh, Advocate for the petitioner.

Mr. Chetan Sharma, AAG Haryana.

A.B. CHAUDHARI, J (Oral)

The petitioner has filed the present petition under Section 439 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') seeking regular bail in FIR No.130 dated 10.06.2015, under Sections 302, 201 & 120-B of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959, registered at Police Station Kunjpura, District Karnal.

Heard learned counsel for the rival parties.

The petitioner was arrested and is in jail since long.

Learned State counsel has vehemently opposed the plea for regular bail to the present petitioner on the ground that the trial is going on.

It is true that the trial has commenced. I had called report in other connected case, i.e. CRM-M-41538 of 2015 from the concerned District and Sessions Judge vide order dated 08.07.2016 as to the status of the proceedings in Sessions trial and in the report, it was stated that after the evidence of Yakub (PW-1), the father of the deceased, was completed, the application came to be filed under Section 319 Cr. P.C. for summoning

one more accused, namely Saleem. Though, Saleem should have appeared on 15.07.2016 before the court, he has not appeared. Learned Judge further stated that it is not possible to stipulate any period in which the trial can be completed. He also states that the charge against Saleem would be framed and *de novo* trial may have to be held and that will take time.

In such situation, I have perused the evidence of Yakub so also the other papers including the impugned order. The case of the prosecution is *inter alia* based on last seen theory. Prima facie, I find that there is no point in detaining the petitioner in jail. In that view of the matter, since the trial is not likely to be held and completed expeditiously, I am inclined to grant bail to the petitioner. Hence, I make the following order:

ORDER

- (i) The petition is allowed;
- (ii) The petitioner be released on bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned;
- (iii) The petitioner shall not tamper or influence the prosecution witnesses.
- (iv) The petitioner shall report to the concerned Police Station on every last Sunday of the month from 10.00 am to 1.00pm.
- (v) In case of violation of the above condition, liberty is reserved to apply for cancellation of bail.

(A.B. CHAUDHARI)
JUDGE

October 25, 2016

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No