

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

CRL. MISC. No.M-41538 OF 2015
DATE OF DECISION : 25th JULY, 2016

Sameem

.... Petitioner

Versus

State of Haryana

.... Respondent

CRL. MISC. No.M-4152 OF 2016

Maroof

.... Petitioner

Versus

State of Haryana

.... Respondent

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

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Present : Mr. Sukhvinder Singh Nara, Advocate
for the petitioner in CRL. MISC. No.M-41538 OF 2015.

Mr. Sanjeev K. Panwar, Advocate
for the petitioner in CRL. MISC. No.M-4152 OF 2016.

Mr. Vikas Chopra, DAG, Haryana.

Mr. Sukhdeep Parmar, Advocate for the complainant.

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A. B. CHAUDHARI, J. (ORAL)

The petitioners have filed the present petitions under Section 439 Cr.P.C. seeking regular bail in FIR No.130 dated 10.06.2015 registered under Sections 302, 201 & 120-B IPC and Section 25 of Arms Act at Police Station Kunjpura, District Karnal.

Heard learned counsel for the rival parties.

The petitioners were arrested on 15.07.2016 and are in jail since then.

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

It is true that the trial has commenced. I had called report from the concerned District and Sessions Judge vide order dated 08.07.2016 as to the status of the proceedings in Sessions trial. Now there is a report from the Additional District and Sessions Judge accordingly who has stated in his report 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 states 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 petitioners in jail. In that view of the matter, since the trial is in not likely to be held and completed expeditiously, I am inclined to grant bail to the petitioners. Hence, I make the following order:

ORDER

- (i) The petitions are allowed.
- (ii) The petitioners be released on bail to the satisfaction of the concerned Trial Court.

- (iii) The petitioners shall not tamper or influence the prosecution witnesses.
- (iv) The petitioners 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.

25th JULY, 2016
'raj'

(A. B. CHAUDHARI)
JUDGE