

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

CRM-M-42988-2016 (O&M)
Date of decision : 19.12.2016

Krishan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Robin Singh Hooda, Advocate,
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana
assisted by ASI Krishan Kumar.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking regular bail in FIR No.358 dated 03.09.2015, registered under Sections 302 and 120-B read with Section 34 of the Indian Penal Code, at Police Station Rai, Distt. Sonapat.

Contentends that the petitioner is not named in the FIR. He has been falsely implicated in the FIR due to party faction in the village as he did not support the candidate of the opposite party. The parties are residents of the same village. The petitioner is in custody since 25.09.2015.

On the other hand, learned State counsel has opposed the present petition. It is submitted that the call details suggest the presence of the petitioner in the vicinity of the place of occurrence. It is further informed that the charges have been framed and out of 21 prosecution witnesses, none has been examined.

Heard.

Considering the fact that the parties are residents of the same

village, the petitioner is not named in the FIR, he is in custody since 03.09.2015 and out of 21 prosecution witnesses, none has been examined so far, therefore, the trial is not likely to be concluded in the near future, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

19.12.2016
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No