

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

CRM -M-23065 of 2017 (O&M)

Date of decision: 08.11.2017

Satish

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

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

Ms. Mahima Yashpal, AAG, Haryana.

Jitendra Chauhan, J. (Oral)

By filing the present petition, under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No. 226 dated 17.04.2016, registered under Sections 147, 148, 342, 302, 201, 506 read with Section 149 of IPC, at Police Station Sadar Bhiwani, District Bhiwani.

It is contended that though the petitioner has been named in the FIR, however, no specific injury has been attributed to him. The prosecution has filed an application under Section 319 Cr.P.C., whereby the six co-accused have been summoned to face the trial, therefore, it is asserted that it will be a *de novo* trial and not likely to concluded in the near future. The examination-in-chief of complainant has already been recorded. The petitioner is in custody since 08.06.2016.

On the other hand, the learned State counsel opposes the bail petition, however, she acknowledges the factum to the extent that no specific injury has been attributed to the petitioner.

Heard.

This is the second bail application. The first bail application was dismissed as withdrawn, vide order dated 20.03.2017. It is to be noticed that thereafter the trial has not proceeded further. Out of total 32 witnesses, only examination-in-chief of the complainant has so far been recorded. The non examination of the PWs in the interregnum period is a circumstance in favour of the petitioner. The de novo trial as a result of summoning of additional accused under Section 319 Cr.P.C., is also likely to cause further delay in concluding the trial. Therefore, it can be safely inferred that 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 trial, on his furnishing bail bonds and surety bonds to the satisfaction of CJM/Duty Magistrate/trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

08.11.2017

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(JITENDRA CHAUHAN)
JUDGE

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