

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

Crl. Misc. No.M-3061 of 2017

Date of Decision: April 27, 2017

Kalu ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Sunil Saharan, Advocate, for the petitioner.

Mr. Kuldeep Tiwari, Addl. Advocate General, Haryana

Ms. Supriya Garg, Advocate, for the complainant.

Amol Rattan Singh, J. (Oral)

Learned counsel for the petitioner submits that the petitioner having spent 5 years in custody, with the trial still not concluded, as has already been noticed by this Court in its order dated 08.03.2017, he is entitled to the concession of bail.

He further submits that a similarly placed co-accused, i.e. Naib Singh has already been admitted to bail much earlier by this Court, vide an order dated 10.07.2015 passed in CRM-M-21389 of 2015.

Mr. Tiwari, learned State counsel, submits that firstly the trial had been stayed at a stage after all 52 prosecution witnesses had been examined, upon an application having been filed with regard to one of the co-accused being juvenile, which was dismissed with that order being subject matter before this Court in another petition.

The same has been reiterated by Ms. Supriya Garg, learned counsel for the complainant.

Mr. Tiwari further submits that the case of the petitioner is not at par with the case of his co-accused, Naib Singh, in view of the fact that against the petitioner there are five other criminal cases pending and secondly, the allegation against Naib Singh was to the effect that he had harboured the accused after the crime was committed.

A perusal of the order by which the aforesaid Naib Singh was admitted to bail, however, shows that the role attributed to him, as recorded in that order, is that he had conspired with the other co-accused even though no specific role was attributed to him.

Consequently, there being no parity between the two, and the petitioner being one of the main accused who has been charged with dacoity and murder, I see no reason to admit him to bail.

Accordingly, the petition is dismissed, at this stage.

April 27, 2017
vcgarg

(Amol Rattan Singh)
Judge

Whether reasoned/speaking: Yes
Whether reportable: no