

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

Sr. No.209

CRM-M No.35233 of 2016

Date of decision: 11.05.2017

Vipin @ Sonu

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Bijender Dhankar, Advocate, for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

* * *

DEEPAK SIBAL, J. (Oral)

Custody certificate filed by the State in Court today, is ordered to be taken on record. Copy of the same has been given to the counsel opposite.

Through the present petition filed under Section 439 Cr.P.C., the petitioner seeks regular bail in FIR No.555 dated 28.12.2015, registered under Sections 148, 307, 506, 120-B, 216, 325, 149 IPC and Section 25 of the Arms Act, at Police Station Murthal, District Sonapat.

Seeking regular bail for the petitioner, learned counsel submits that the petitioner has been in custody over 01 year and 04 months; the complainant who was allegedly the eye-witness of the occurrence has appeared before the trial Court as PW-1 and has not toed the line of the prosecution; injured-Shamsher Singh, who was star witness of the prosecution, on appearance before the trial Court as PW-2 has been declared hostile and that as only 05 out of the 25 witnesses cited by the prosecution have been examined so far, the trial is not likely to conclude in the near

Learned State counsel opposes the grant of bail on the ground that the petitioner is involved in other criminal cases and that the petitioner gave a gun shot injury to the injured.

It is not disputed that the complainant who was allegedly the eye-witness and wife of the injured-Shamsher Singh appeared before the trial Court as PW-1 and has not toed the line of the prosecution. Same is the case with regard to the injured-Shamsher Singh, who appeared before the trial Court as PW-2. The petitioner has already been in custody for over 01 year and 04 months and it is also not disputed that since out of the 25 witnesses cited by the prosecution, 20 still remain to be examined, the trial is not likely to conclude in the near future.

In view of the above, without commenting on the merits of the matter less it may prejudice either sides, I am of the opinion that the petitioner is entitled to be admitted to regular bail.

Bail to the satisfaction of the trial Court.

Nothing observed herein above shall be considered to be an expression of opinion by this Court on the merits of the case.

If the petitioner is found indulging in any criminal act or misusing the concession of bail granted by this Court, it would be open to the State to seek cancellation of bail granted through this order by filing an appropriate application before the competent Court/this Court.

(DEEPAK SIBAL)
JUDGE

May 11, 2017
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