

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 210

CRM-M-3599-2017

Decided on : 14.03.2017

Kalu

..... Petitioner(s)

VERSUS

State of Haryana

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Pravesh Yadav, Advocate, for the petitioner(s).
Mr. Manish Bansal, DAG, Haryana.
Mr. D. S. Matya, Advocate, for the complainant.

DEEPAK SIBAL, J. (ORAL)

Through the present petition filed under Section 439 Cr. P. C., the petitioner seeks the concession of regular bail in FIR No. 52, dated 11.03.2013, registered under Sections 323 and 302 IPC (Sections 506 and 34 IPC added later on) , at Police Station Ferozepur Jhirka, District Mewat.

Seeking regular bail for the petitioner, learned counsel submits that the petitioner has been in custody since 02.05.2013; the trial in the present case was over and the matter was fixed for final arguments but the same could not be concluded on account of the fact that on dismissal of applications made by the complainant under Section 319 Cr. P. C. that order had been challenged before this Court in which this Court had granted ad interim stay; all the prosecution witnesses have already been examined who have also been subjected to cross examination and that in view of the long incarceration of the petitioner, no useful purpose would be served by keeping him in further custody.

Learned State counsel opposes the bail application on the ground that the petitioner is accused of the offence of murder.

It is not disputed that the petitioner has been in custody for the last over 3 years and 10 months; he is not a contributor to the delay in the trial; all the prosecution witnesses have been examined who have also been subjected to cross-examination; the State has not been able to convince me as to in what manner the release of the petitioner on regular bail would result in tampering of evidence and that the exact role of the petitioner would be deciphered only in the trial.

In view of the above facts which are peculiar to the present case, in my opinion, the petitioner is entitled to be admitted to regular bail.

Bail to the satisfaction of the Trial Court/Duty Magistrate.

However, since the petitioner is charged with the offence of murder, the Trial Court/Duty Magistrate, while accepting his bail/surety bonds would insist on heavy surety to its satisfaction.

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

During the period that the bail is granted to the petitioner, if he is found indulging in any criminal/illegal activity or misusing the concession of bail granted by this Court, it would be open to the State to move an appropriate application before the competent Court/this Court for cancellation of the bail granted to the petitioner.

14.03.2017
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No