

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

**CRM-M No. 37723 of 2017
Date of Decision: 29.11.2017**

Dinesh

.....Petitioner

v.

The State of Haryana

.....Respondent

CORAM HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present:- Mr. H.S. Baidwan, Advocate, for the petitioner
 Ms. Neelam Kashyap, DAG, Haryana

SHEKHER DHAWAN, J.

Present petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No. 146 dated 15.5.2009, under Sections 302 and 34 IPC and Section 25(54) of Arms Act, registered at Police Station Kundli, District Sonapat. The allegation against the petitioner is that he along with his co-accused allegedly committed murder of Pardeep.

Learned counsel for the petitioner contended that 2 eye witnesses of the prosecution, namely; Sunil son of Balwan and Mukesh son of Rajinder, have already been examined before the learned trial Judge and have not supported the prosecution case rather turned hostile. Apart from that, all the main witnesses of the case, have been examined, who have not supported the prosecution case. The petitioner is in custody since 18.11.2015 and trial of the case still to take some more time, so, he be released on bail.

Learned State counsel, on instructions from ASI Sukhbir,

contended that out of 23 prosecution witnesses, 15 have already been examined and they have not implicated the present petitioner. It is not a case of use of fire arm by the petitioner nor any such recovery of weapon was effected from him.

Taking into consideration all these facts and the fact that remaining co-accused, namely; Monu and Rambir were convicted and sentenced on 24.4.2015 in a separate trial, as there was evidence against them, but in the present case, despite the fact that all the material witnesses have been examined before the learned trial Judge, there is nothing to implicate the present petitioner. However, without expressing anything on merits of this case, least that may not prejudice rights of either of the parties and the fact that the petitioner is in custody since 18.11.2015; the trial of the case still to take some more time and no useful purpose would be served by detaining the petitioner behind the bars, the present petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of the concerned Chief Judicial Magistrate/Duty Magistrate.

The present petition stands disposed of.

(SHEKHER DHAWAN)
JUDGE

29.11.2017

Ashwani

Speaking/Reasoned
Reportable

Yes/No
Yes/No