

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

208

CRM-M No.13007 of 2018

Date of Decision: April 4th, 2018

Pawan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Jasdev S. Thind, Advocate
for the petitioner.

Mr. Apoorv Garg, Deputy Advocate General, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing the present petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.245 dated 28.08.2016, registered at Police Station Agroha, under Sections 302, 201, 34 of the Indian Penal Code.

It is the contention of counsel for the petitioner that in the FIR and as per the allegations, petitioner is similarly placed as co-accused Ajay Kumar, who has been granted bail by this Court on 22.02.2018 in CRM-M-5050-2018 (Annexure P-3). He asserts that except the fact that the recovery of cloths of the deceased, the case of the petitioner is identical to the co-accused.

Counsel for the State, on instructions from ASI Naresh Kumar, Police Station Agroha, District Hisar, could not dispute the said factum, however, he states that there are three people, who have identified that petitioner as well as co-accused Ajay Kumar who met them on the canal. He, therefore, contends that the case of the petitioner is distinguishable from that of co-accused Ajay Kumar.

Having considered the submissions made by the counsel for the parties and keeping in view the fact that the petitioner is in custody since 10.10.2016 and all the relevant facts have been discussed in the order dated 22.02.2018 of the co-accused, with eight witnesses having been examined out of 21 witnesses cited, the petitioner being in custody for about 1½ years, the trial is not likely to conclude soon, therefore, without expressing any opinion on the merits of the case, the present petition is allowed.

Petitioner is directed to be released on bail to the satisfaction of the trial Court.

April 4th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No