

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

CRM-M-14205-2018
Date of decision: 14.05.2018

Brahampal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Vijay, Advocate,
for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana.

DAYA CHAUDHARY, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 47 dated 28.03.2011, registered under Sections 302, 379, 120-B read with Section 34 IPC and Section 25, 54, 59 of the Arms Act at Police Station Furrukh Nagar, District Gurugram.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and the co-accused of the petitioner have already been acquitted by the trial Court vide judgment dated 17.10.2014. He further submits that not only same evidence is there against the petitioner, rather the petitioner is on better footings vis-a-vis co-accused who have been acquitted. Learned counsel for the petitioner further submits that earlier the petitioner was declared as proclaimed offender and, subsequently, he was arrested and now he is in custody since 04.10.2016.

He further submits that no useful purpose would be served by keeping the petitioner in custody. There are total 31 prosecution witnesses, out of them only 18 witnesses have been examined so far and the trial is likely to take some time to conclude.

Learned State counsel has opposed grant of regular bail to the petitioner on the ground that the petitioner remained proclaimed offender for a period of four years but he has not disputed the fact that co-accused of the petitioner have been acquitted by the trial Court.

I have heard learned counsel for the parties and have also gone through the record.

keeping in view the submissions made by learned counsel for the petitioner that the petitioner is in custody since 04.10.2016 and also the fact that co-accused of the petitioner have already been acquitted by the trial Court, this petition is allowed and the petitioner, namely Brahampal, is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

14.05.2018

Waseem Ansari

**(DAYA CHAUDHARY)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*