

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

**Criminal Misc. No. M-14939 of 2018
Date of decision: 25.10.2018**

Neeraj @ Monu

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Arjun Sheoran, Advocate
for the petitioner.

Mr. Deepak Sabharwal, Addl. AG, Haryana and
Mr. Chetan Sharma, AAG, Haryana
for the respondent-State.

Mr. Sanjiv Kumar Yadav, Advocate for
Mr. R.S. Bains, Advocate
for the complainant.

Daya Chaudhary, J.

Petitioner-Neeraj @ Monu has approached this Court by way of filing the present petition under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.243 dated 13.05.2015 registered under Sections 307, 342, 195-A read with Sections 34 and 120-B IPC and Section 25 of the Arms Act at Police Station Sadar Panipat.

Learned counsel for the petitioner submits that the petitioner has been implicated in the case with the aid of Section 120-B IPC and the only allegation levelled against him is that he provided room/accommodation to the main accused whereas he was not present at the place of occurrence. Learned counsel further submits that the investigation has

been completed and final report under Section 173 Cr.P.C. has been filed. No evidence has been collected to connect the petitioner with the alleged offence. The petitioner was taken into custody on 27.09.2017 and since then, he is in custody. Nothing is to be recovered from the petitioner. Learned counsel also submits that co-accused of the petitioner, namely, Kartik, was arrested and his disclosure statement was recorded but no recovery was effected on the basis of disclosure statement. Another co-accused, namely, Nishant Raj, who was named in the complaint, has already been released on regular bail. The investigation has been completed but charges have not been framed so far. There are total 42 witnesses. Trial may take long time to conclude and no purpose would be served by keeping the petitioner in custody.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner but has not disputed the custody period as well as stage of trial.

Learned counsel for the complainant has also opposed the submissions made by learned senior counsel for the petitioner by reiterating the arguments raised by learned State counsel.

Heard arguments of learned counsel for the petitioner; learned State counsel as well as learned counsel for the complainant and have also perused the contents of the FIR and other documents available on the file.

Keeping in view the role of the petitioner that he has been implicated with the aid of Section 120-B IPC and is in custody since 27.09.2017; there is no progress in the trial as after presentation of challan, charges have not been framed so far; no purpose would be served by

keeping the petitioner in custody and that his co-accused, namely, Nishant Raj has been released on regular bail, the present petition is allowed and petitioner, namely, Neeraj @ Monu is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court, if he is not in custody in some other case.

25.10.2018
neetu

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No