

Crl. Misc. No. M-15324 of 2018

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-15324 of 2018

DATE OF DECISION:19.12.2018

Ravinder

.....Petitioner

Versus

State of Haryana

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. R.S. Arya, Advocate
for the petitioner.

Mr. R.S. Doon, AAG, Haryana.

Mr. Partap Singh, Advocate
for the complainant.

DAYA CHAUDHARY, J.

The present petition under Section 439 Cr.P.C. has been filed by petitioner-Ravinder for grant of regular bail to him in case FIR No. 25 dated 31.1.2017 registered under Sections 307/34 IPC and Section 25/54/59 of Arms Act at Police Station Madlauda, District Panipat.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in this case, whereas, he was not involved. During investigation, which was carried out by SIT headed by DSP, nothing was recovered from the petitioner and charges were accordingly framed on 9.11.2017. Thereafter an application under Section 319 Cr.P.C. has been moved, which has been allowed. The petitioner is in custody for the last

more than one year and ten months and it would be a case of de novo trial. Learned counsel further contends that not only injured but complainant has also been examined.

Learned counsel for respondent-State has not disputed the custody period of more than one year and ten months and also the fact that injured and complainant have been examined.

Learned counsel for the complainant has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that it is a case of bullet injury and injured remained admitted in the hospital for many days. However, learned counsel has not disputed the custody period.

Without commenting anything on the merits of the case and keeping in view the facts that the petitioner is in custody for the last more than one year and ten months; injured and complainant have already been examined; application moved under Section 319 Cr.P.C. has been allowed, however, that order has been stayed by this Court, which shows that trial may take some time to conclude and no purpose would be served by keeping him behind the bars, the present petition is allowed. Petitioner-Ravinder is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

December 19, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No