

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

CRM-M No.15615 of 2018

Date of Decision: 05.07.2018

Nitin

....Petitioner

Versus

State of Haryana

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Munish Behl, Advocate
for the petitioner.
Mr. Ashish Sanghi, D.A.G., Haryana.
Ms. Prabha Sharma, Advocate
for the complainant.

DAYA CHAUDHARY, J. (ORAL)

The present petition has been filed by petitioner-Nitin under Section 439 Cr.P.C for grant of regular bail to him in case FIR No.537 dated 15.12.2017 registered under Sections 148, 149, 323, 341, 307, 506 IPC and Sections 201 and 325 IPC (added later on) at Police Station Ambala City, District Ambala.

Learned counsel for the petitioner submits that the petitioner has not been named in the FIR and no specific role has been attributed to him. The bail application filed by the petitioner has been dismissed only on the ground that he was found to be present at the place of occurrence as is clear from videography. Petitioner is in custody since 16.12.2017. The challan has been presented and trial may take long time to conclude and no useful purpose would be served by keeping him in custody any further. Learned counsel further submits that the petitioner undertakes to appear before the Court on each and every date and not to influence the witnesses and tamper with the evidence. Learned counsel also submits that

co-accused, namely, Mukesh and Sulkhan Singh have been released on regular bail by this Court, whereas, the case of the present petitioner is on better footings.

Learned State counsel has not disputed the custody period and release of co-accused on regular bail but he has opposed grant of bail to the petitioner on the ground that he was present at the place of occurrence and has participated.

Learned counsel for the complainant has vehemently opposed the submissions made by learned counsel for the petitioner stating that the petitioner does not deserve the concession of bail as even the injured has not been examined so far.

Heard the arguments of learned counsel for the parties.

The custody period of the petitioner and stage of trial are not disputed. It is also not disputed that co-accused of the petitioner have been released on regular bail and the petitioner is in custody since 16.12.2017. The only ground is that the presence of the petitioner at the place of occurrence is there which is clear from the videography but no specific role has been attributed to him. The trial may take long time to conclude and no useful purpose would be served by keeping the petitioner behind bars.

Accordingly, the present petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

(DAYA CHAUDHARY)
JUDGE

05.07.2018
gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No