

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

CRM-M No.14927 of 2017

Date of Decision: 21.09.2018

Sunil

....Petitioner

Versus

State of Haryana

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Bijender Dhankhar, Advocate
for the petitioner.

Mr. Manish Dadwal, A.A.G., Haryana.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No.115 dated 12.05.2016 registered under Sections 302, 201, 364, 212/34 of Indian Penal Code and 25/54/59 of the Arms Act, 1959 registered at Police Station Barwala, District Hisar.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas, he was not involved in the commission of offence. The case is based on circumstantial evidence as only on the basis of last seen evidence, the petitioner has been implicated. No motive has been attributed for commission of offence. Even during investigation, no evidence was collected by the Investigating Agency. The petitioner is in custody since 19.07.2016. The investigation has been completed and nothing was recovered from the petitioner. Learned counsel

also submits that even the charges have not been framed after presentation of challan. The trial may take sufficient long time to conclude and no useful purpose would be served by keeping the petitioner behind bars. As on today, no case is there against the petitioner as he has been acquitted in all the cases.

Learned State counsel has not disputed the custody period as well as stage of trial. However, he has opposed the submissions made by learned counsel for the petitioner on the ground of seriousness of offence and also the fact that in earlier cases, the petitioner was acquitted as the prosecution witness did not support the case of the prosecution and it was not on merits.

Keeping in view the submissions made by learned counsel for the petitioner and also the fact that the petitioner is in custody for the last more than two years and two months; even the charges have not been framed; in all the cases, the petitioner has been acquitted and trial may take long time to conclude and moreover, the case is based on circumstantial evidence, the present petition is allowed and petitioner, namely, Sunil is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

(DAYA CHAUDHARY)
JUDGE

21.09.2018
gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No