

CRM-M-16610-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16610-2018

Date of Decision: 8th May, 2018

Amit Kumar @ Meeta

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. U.K. Agnihotri, Advocate,
for the petitioner.

Mr. Kuldeep Sharma, DAG, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.439, dated 04.11.2016, registered at Police Station Sadar Sonapat, under Sections 148, 149, 302, 307, 506 & 120-B of the Indian Penal Code along with Section 27 of the Arms Act.

It is the contention of the learned counsel for the petitioner that the petitioner is alleged to have accompanied the main accused and had caught hold of deceased-Rajbir while main accused Narender fired with weapon, which resulted in his death. Counsel contends that the petitioner is in custody since 25.11.2016 and till date, only charges have been framed. He contends that out of total 40 prosecution witnesses, none has been examined so far and therefore, the trial is not likely to conclude in near future. He states that there is no other case registered against the petitioner

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except for the present one. He further states that the petitioner will appear on each and every date to be fixed by the trial Court. He, therefore, prays for grant of benefit of regular bail to the petitioner during the pendency of the trial.

On the other hand, counsel for the State, on instructions from ASI Rajesh Kumar, P.S. Sadar Sonipat, states that this is case of double murder and petitioner has participated in the commission of offence. He, however, could not dispute the fact that the petitioner is not named in the FIR and the role which has been attributed to him is for holding deceased-Rajbir.

Having considered the submissions made by the counsel for the parties and keeping in view the facts that petitioner has been attributed the role of holding one of the deceased; trial is not likely to conclude in near future as out of total 40 prosecution witnesses, none has been examined till date; petitioner is in custody since 25.11.2016 and there is no other case registered against him, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

(AUGUSTINE GEORGE MASIH)
JUDGE

8th May, 2018
Harish

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No