

CRM-M-17180-2018

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

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Date of Decision: 09.07.2018

Mohd. Talib

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Manish Verma, Advocate,
for the petitioner.

Mr. Vikas Chopra, DAG, Haryana.

INDERJIT SINGH, J. (Oral)

Petitioner-Mohd. Talib has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.128 dated 28.05.2017, registered at Police Station Sector 14 Panchkula, District Panchkula, under Sections 302 and 34 of the Indian Penal Code.

Notice of motion has been issued. Learned State counsel has appeared and contested the instant petition.

I have heard learned counsel for the petitioner as well as learned State counsel and gone through the record.

From the record, I find that FIR is registered against some unknown persons. In the present case, challan after investigation has been presented and out of 22 prosecution witnesses, 13 witnesses have

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already been examined and 04 witnesses have been given up. The motive to commit the murder is against other accused-Mohd. Chand, who caused injury to the deceased with knife as the deceased used to tease his niece. Only *lalkara* has been attributed to the present petitioner. Neither any injury has been attributed to him nor any weapon etc. has been recovered from him.

The petitioner has been in custody since 29.05.2017. He is not required for any investigation or interrogation purposes as he is in judicial custody.

Keeping in view the facts and circumstances of the present case and in view of the facts that no injury has been attributed to the present petitioner; only *lalkara* has been attributed to him and there was no motive for the petitioner to commit the murder, I find that trial of the case will take a long time and no useful purpose will be served by sending the petitioner to custody.

In view of the above facts and without discussing the facts in minute detail and without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bonds in the sum of ₹50,000/- with two sureties in the like amount each to the satisfaction of the trial Court/Duty Magistrate.

09.07.2018

parveen kumar

Whether speaking/reasoned

Whether reportable

:

:

(INDERJIT SINGH)
JUDGE

Yes

No