

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

**Criminal Misc. No. M-19001 of 2018 (O&M)
Date of decision: 19.09.2018**

Surinder @ Nanha

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Bipan Ghai, Sr. Advocate with
Mr. Paras Talwar, Advocate
for the petitioner.

Mr. D.K. Mittal, DAG, Haryana
for the respondent-State.

Daya Chaudhary, J. (Oral)

Criminal Misc. No.27744 of 2018

This application has been moved for placing on record
Annexures P-8 to P-11.

Application is allowed and Annexures P-8 to P-11 are taken on
record.

Criminal Misc. No. M-19001 of 2018

The present petition has been filed by petitioner-Surinder @
Nanha under Section 439 Cr.P.C. for grant of regular bail in case FIR
No.148 dated 21.06.2017 registered under Section 302 read with Section 34
IPC and Section 3 of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act (here-in-after called as 'the SC/ST Act') at
Police Station Kalayat, District Kaithal (Challan presented under Section
306 read with Section 34 IPC and Section 3 of the SC/ST Act and charges

have been framed under Section 302 read with Section 120-B IPC and Sections 3/4 of the SC/ST Act).

Learned counsel for the petitioner submits that initially the FIR was registered under Section 302 IPC but the challan was presented under Section 306 IPC and charges have been framed under Section 302 IPC as well as Section 3/4 of the SC/ST Act. As per opinion of the doctor, the death of deceased occurred due to poisoning. Learned counsel also submits that all the material witnesses have been examined including PW3-Vidya Devi, wife of deceased, as well as PW4-Vijender, brother of deceased but they have not supported the case of the prosecution. The petitioner is in custody since 12.11.2017. The trial may take long time to conclude and no purpose would be served by keeping the petitioner in custody.

Learned State counsel has not disputed the custody period as well as recording of statements of material witnesses including wife and brother of the deceased.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file including statements of PW3-wife of deceased and PW4-brother of deceased.

In view of the submissions made by learned counsel for the petitioner and by considering that the petitioner is in custody since 12.11.2017; out of total 20 witnesses, eight have been examined including the material witnesses, who are wife and brother of the deceased and they have not supported the case of the prosecution; the trial may take time to conclude; no purpose would be served by keeping the petitioner in custody,

the present petition is allowed and the petitioner (Surinder @ Nanha) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

19.09.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes