

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

CRM-M-20514-2018
Date of decision: 13.11.2018

Sandeep Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. P. S. Sullar, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 96 dated 26.09.2017, under Sections 148, 149, 323, 324 and 506 of the IPC (Sections 325 and 307 of the IPC were added later on), registered at Police Station Naggal, District Ambala.

The first petition was dismissed as not pressed, vide order dated 16.02.2018 passed in CRM-M-4497-2018.

Learned counsel for the petitioner submits that petitioner is in judicial custody for the last about 11 months and 16 days and he is not involved in any other case.

Learned counsel for the petitioner further submits that out of total 16 prosecution witnesses, only one witness, i.e. the complainant, has already been examined and there is no likelihood that the petitioner will influence the complainant in any manner.

It is further argued that in fact the petitioner has filed a

complaint against the complainant party with regard to the same incident which is pending before the JMIC.

Learned counsel for the petitioner further submits that conclusion of the trial will take some time as 15 prosecution witnesses are yet to be examined. It is also submitted that all the other co-accused of the petitioner have already been granted concession of regular bail.

Learned State counsel filed custody certificate which is taken on record. As per custody certificate, the petitioner is in judicial custody for the last 11 months and 16 days and he is not involved in any other case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts that petitioner is in judicial custody for the last 11 months and 16 days; he is not involved in any other case and also considering the fact that conclusion of trial is likely to take a long time as only one prosecution witness has been examined so far, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

November 13, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No