

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

CRM-M No.20754 of 2018

Date of decision : 02.08.2018

Balbir alias Billa

.....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. B. S Chahar, Advocate for the petitioner.

Mr. Ashish Sanghi, D.A.G., Haryana.

Mr. Tejinder Pal Singh, Advocate for the complainant.

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DAYA CHAUDHARY, J. (Oral)

Petitioner Balbir alias Billa has approached this Court by way of filing the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No.0027 dated 19.09.2016, registered under Sections 148/149/302/364/506 of the Indian Penal Code, 1860 and 25 of the Arms Act, 1959 at Police Station – Sanoli Panipat during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case, whereas he was not involved in the alleged offence. There was no motive for the petitioner to participate

in the fight as he was having no enmity against the victim. Even he is not the owner of the offending vehicle. A false story has been concocted and the petitioner has been implicated by planting a *danda* upon him. The same allegations have been levelled against three other co-accused namely Deepak alias Micha, Sompal and Sahil. The petitioner is in custody since 22.09.2016. Learned counsel also submits that there is no other criminal case against the petitioner. Co-accused of the petitioner namely Sompal against whom the same allegations are there, has been released on regular bail by this Court on 16.05.2018. Challan has already been presented. Out of total 23 prosecution witnesses, 17 have been examined and no purpose would be served by keeping the petitioner in custody.

Learned State counsel has not disputed the stage of the trial as well as custody period undergone by the petitioner and also the fact of release of co-accused Sompal on regular bail.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and the statement of the complainant including cross-examination.

All material prosecution witnesses have been examined and co-accused of the petitioner namely Sompal has been released on regular bail after undergoing custody of approximately 1 year and 9 months. Petitioner has undergone custody of more than 1 year and 10 months. Only the official prosecution witnesses remain to be examined and still trial may take some time to conclude and as such, no purpose would be served by keeping the petitioner in custody.

Accordingly, the present petition is allowed and the petitioner is directed to be released on regular bail to the satisfaction of the trial Court.

02.08.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No