

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

**Criminal Misc. No. M-28667 of 2018
Date of decision: 24.08.2018**

Rakesh

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Amit Parashar, Advocate
for the petitioner.

Mr. Rajesh Sheoran, Addl. AG, Haryana
for the respondent -State.

Daya Chaudhary, J. (Oral)

The present petition has been filed by petitioner-Rakesh under Section 439 Cr.P.C. for grant of regular bail in case FIR No.243 dated 22.07.2017 registered under Sections 302, 323 read with Section 34 IPC and Section 27 of the Arms Act at Police Station Sadar Gohana, District Sonapat.

Learned counsel for the petitioner submits that the petitioner is in custody since 24.07.2017 and challan has been presented. Charges have also been framed and out of total 18 prosecution witnesses, six witnesses have been examined, who are father, sister-in-law (Bhabhi), Uncle (Chacha), brother and wife of the deceased. Sixth witness is the doctor, who has conducted the medical examination. Five material witnesses have not supported the case of the prosecution and they have specifically deposed

before the trial Court that neither the petitioner was present at the spot nor he committed murder of the deceased. PW6-Dr. Sanyam Jain has categorically stated in his statement that possibility of sustaining injuries mentioned in the MLR by falling on hard surface cannot be ruled out. Learned counsel also submits that co-accused of the petitioner, namely, Jasbir has approached this Court by way of filing Criminal Misc. No. M-20752 of 2018 and he has been released on regular bail vide order dated 30.05.2018. Learned counsel also submits that all material witnesses have been examined including independent witness. There is no possibility that the petitioner may win over or hamper with the witnesses. No purpose would be served by keeping the petitioner behind the bars as other co-accused has been released on regular bail.

Learned State counsel has not disputed the custody period as well as release of co-accused on regular bail by this Court.

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.

Admittedly, the petitioner is in custody since 24.07.2017 and all the material witnesses have been examined, who have not supported the case of the prosecution. Even the independent witness has also been examined and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence. Co-accused of the petitioner has been released on regular bail by this Court and no purpose would be served by keeping the petitioner behind the bars.

Accordingly, the present petition is allowed and the petitioner

(Rakesh) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

24.08.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No