

Crl. Misc. No. M-29721 of 2018

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-29721 of 2018

DATE OF DECISION:27.09.2018

Deepak

.....Petitioner

Versus

State of Haryana

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. H.S. Deol, Advocate
for the petitioner.

Mr. Nishchal Mann, DAG, Haryana.

DAYA CHAUDHARY, J.

Petitioner-Deepak has approached this Court by way of filing the present petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 27 dated 19.9.2016 registered under sections 148/149/302/364,506 IPC and Section 25 of Arms Act at Police Station Sanoli, District Panipat, during pendency of the trial.

Learned counsel for the petitioner contends that the FIR was registered on the basis of statement made by Sushil against six accused including the petitioner and 3/4 unknown persons with the allegations that all the accused had caused injuries to his brother, namely, Anil @ Rinku (now deceased) due to which he succumbed to the injuries and was declared dead in the hospital. Co-accused, namely, Sompal and Sonu have been

allowed bail by this Court vide separate orders dated 16.5.2018 and 6.7.2018 passed in Crl. Misc. No. M- 16371 of 2018 and Crl. Misc. No. M- 22327 of 2018, respectively. The role of the petitioner is at par with co-accused Sompal and Sonu, who have already been released on bail. Learned counsel further contends that there is no specific allegation against the petitioner and only on the basis of general allegations, he has been implicated. The recovery of bamboo stick was effected on the basis of disclosure statement made by the petitioner. All the material witnesses have been examined and only the official witnesses remain to be examined because of their non-appearance before the trial Court. The bail petition filed by the petitioner was dismissed by the trial Court only on the ground that 14 prosecution witnesses have been examined and official witnesses still remain to be examined and in case the petitioner is released on bail, he may influence them. Learned counsel also contends that eye witnesses, namely, Sushil Kumar and Bijender Singh, who are brother and uncle of the deceased, respectively have been examined as PW-3 and P-4, respectively.

Learned counsel for respondent-State has not disputed the submissions made by learned counsel for the petitioner.

Heard the arguments advanced by learned counsel for the parties and have also gone through the contents of the FIR and other documents available on the file.

Admittedly, all the material witnesses have been examined and only the official witnesses remain to be examined. The petitioner is in custody for the last more than two years and trial may take long time to conclude and no purpose would be served by keeping him behind the bars.

Accordingly, the present petition is allowed and petitioner-

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

September 27, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No