

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

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CRM-M No.29756 of 2017

Date of Decision: February 27th, 2018

Bhim Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Akashdeep Singh, Advocate
for the petitioner.

Mr. Apoorv Garg, Deputy Advocate General, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court praying for grant of regular bail on the plea that the petitioner is in custody since 25.11.2015 and out of total 41 witnesses, 35 have been examined and as of now the trial is not proceeding because of absconding of one of the co-accused because of which non-bailable warrants have been issued to procure his presence and no witnesses are being examined.

Counsel for the petitioner contends that the complainant as well as the two other eyewitnesses have already deposed before the trial Court and since all the eyewitnesses have been examined, there is no possibility of the petitioner influencing the trial in any manner. That apart, he contends that the co-accused of the petitioner namely Sanjay has been granted bail by this Court on 30.05.2017, who is similarly placed as the petitioner. Referring to the deposition of the complainant, he contends that the complainant has stated that she did not know the petitioner personally and was not aware of his name. His further contention is that according to her own deposition, no shot was fired by the petitioner and he had, at the most, pointed a gun towards one of the police officials, who were the

security guards of deceased-Shiv Ram. He, thus, contends that the petitioner be granted the concession of regular bail.

On the other hand, counsel for the State, on instructions from ASI Satyawar, Police Station Nangal Choudhary, District Mahendragarh, submits that not only this case but there are other cases also pending against the petitioner which relate to the offence under Section 302 IPC. His contention is that efforts are being made by the police authorities to nab the absconding co-accused namely Vikram alias Papla son of Manohar but he has not been nabbed as yet.

On the last date of hearing, this Court had sought a status report from the trial Court with regard to the trial.

A perusal of the report also indicates that the trial is not moving any further because of non-appearance of co-accused Vikram alias Papla son of Manohar.

Keeping in view the fact that the co-accused of the petitioner namely Sanjay has been granted the concession of regular bail and the trial is not proceeding any further and the petitioner being in custody for more than two years and all the eyewitnesses having been examined, the present petition is allowed.

Petitioner is directed to be released on bail to the satisfaction of the trial Court.

February 27th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No