

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

**Criminal Misc. No. M-31757 of 2018
Date of decision: 28.11.2018**

Sandeep @ Kala

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Bijender Dhankar, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana
for the respondent-State.

Daya Chaudhary, J. (Oral)

The present petition has been filed by petitioner-Sandeep @ Kala under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.475 dated 01.11.2014 registered under Section 346 and subsequently added Sections 364, 302, 201, 216 read with Section 120-B IPC and Section 25 of the Arms Act at Police Station Kharkhoda, District Sonipat.

Learned counsel for the petitioner submits that the FIR was registered against unknown persons. The petitioner was got involved in the present case on the basis of disclosure statement made by one Pawan @ Mona, who has been released on regular bail by this Court vide order dated 16.05.2018 passed in Criminal Misc. No. M-17842 of 2018. Learned counsel further submits that no evidence was collected during investigation to connect the petitioner with commission of offence as dead body was not recovered. The petitioner is in custody since 17.11.2014. Co-accused of the petitioner, namely, Jitender has also been released on regular bail. Learned counsel also submits that out of total 23 prosecution witnesses, nine witnesses have been examined. The trial may take time to conclude and no

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purpose would be served by keeping the petitioner in custody.

Status report has been filed by learned State counsel in the Court and the same is taken on record.

Learned State counsel has not disputed the custody period; release of co-accused on regular bail but has opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is a habitual offender as he is involved in so many cases. It has been pointed out by learned State counsel that five cases were there against co-accused- Pawan @ Mona and he has been acquitted in one case; convicted in three cases and in one case of Section 307 IPC, he is on 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 other documents available on the file.

Keeping in view the submissions made by learned counsel for the petitioner that the petitioner is in custody since 17.11.2014; co-accused of the petitioner, namely, Pawan @ Mona has been released on regular bail; it was a case of blind murder as dead body has not been traced out till date; the trial may take time to conclude; no purpose would be served by keeping the petitioner in custody, the present petition is allowed and the petitioner (Sandeep @ Kala) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

28.11.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No