

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

**CRM-M No.3385 of 2018
Decided on: 05.04.2018**

Satish @ Sita

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Manvender Chauhan, Advocate
for Mr. R.S. Hooda, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.439 dated 16.07.2015, for offence punishable under Sections 148, 149, 307, 120-B of the Indian Penal Code (in short 'IPC') and 25/54/59 of the Arms Act, registered at Police Station City Sonapat, District Sonapat.

Counsel for the petitioner has submitted that earlier the bail application of the petitioner was dismissed on 18.01.2017 vide CRM-M No.40973 of 2016 and a direction was issued to the trial Court to ensure that since the petitioner is in custody for the past 08 months, two injured witnesses who are the material witnesses be examined at the outset.

Counsel for the petitioner has further submitted that the present petition has been filed after recording the statement of all the 03 injured witnesses namely Mehar Singh, Manjit and Ram Niwas (copy

of their deposition made before the trial Court is attached as Annexures P4 to P6). A perusal of statement of all the 03 injured witnesses show that they have deposed before the Court that they do not know anything about the present case and the police has obtained their signatures on blank papers. All the 03 injured witnesses were declared hostile on the request made by Public Prosecutor and while confronting with their statements made before the police, they have even denied the same having been made before the police.

Counsel for the petitioner has also submitted that other co-accused of the petitioner namely Sachin Sharma, Ravi, Ajit @ Foji, Ajay @ Chandgi and Ram Karan have already been granted the concession of bail vide orders dated 28.03.2018 passed in CRM-M No.2522 of 2018, dated 28.07.2017 passed in CRM-M No.20592 of 2017, dated 18.10.2016 passed in CRM-M No.30987 of 2016, dated 28.03.2017 passed in CRM-M No.4319 of 2017 and dated 08.04.2016 passed in CRM-M No.38427 of 2015.

Counsel for the petitioner has also submitted that the petitioner is in judicial custody since 01 year, 10 months and 26 days and conclusion of the trial is likely to take some time. It is further submitted that since the material witnesses including the injured witnesses have failed to support the prosecution version, he may be granted the concession of regular bail.

Counsel for the State has filed the custody certificate today in the Court and on instructions from ASI Satish Kumar, has submitted that the petitioner is involved in some other cases, however, perusal of the custody certificate show that he is on bail in all the other cases and

in one case, he stands acquitted.

Without commenting anything on merits of the case and considering the fact that the petitioner is in judicial custody for the last 01 year, 10 months and 26 days; conclusion of the trial is likely to take some time; none of the injured witnesses have supported the prosecution case; the co-accused of the petitioner have already been granted bail, this petition is allowed and the petitioner is ordered to be released on bail subject to furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

05.04.2018
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No