

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-35695 of 2018

DATE OF DECISION:17.11.2018

Abhilash @ Kaira

.....Petitioner

Versus

State of Haryana

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Sanjeev Kadian, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

DAYA CHAUDHARY, J.

Petitioner Abhilash @ Kaira has approached this Court by way of filing the present petition under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No. 187 dated 14.11.2015 registered under Sections 148,149,302,307,202 IPC and Sections 25/27/29/54/59 of Arms Act, 1959 at Police Station Moohana, District Sonipat.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in this case, whereas, he was not involved. The case of the prosecution is based upon circumstantial evidence and no connecting evidence was collected during investigation. There was no motive to commit the offence and no specific role has been attributed to the petitioner. Learned counsel further contends that eleven material witnesses have been examined and none of them has supported the case of the

prosecution. The petitioner is in custody since 13.3.2016 and only official witnesses remain to be examined and trial may take long time to conclude. Learned counsel also contends that co-accused, namely, Ranjit @ Ranjeeta and Pawan @ Pona have approached this Court for grant of bail by way of filing Crl. Misc. Nos. 25341 of 2018 and 27069 of 2018, which were allowed vide order dated 3.8.2018.

Learned counsel for respondent-State has not disputed the custody period, stage of trial, grant of bail to co-accused, namely, Ranjit @ Ranjeeta and Pawan @ Pona and the fact that the material witnesses have not supported the case of the prosecution.

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.

Keeping in view the submissions made by learned counsel for the petitioner and the facts that the material witnesses have been examined and they have not supported the case of the prosecution; co-accused have been released on regular bail and trial may take long time to conclude, the present petition is allowed. Petitioner-Abhilash @ Kaira is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

November 17, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No