

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-38999-2018

Date of decision: 09.10.2018

Jagdish

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Jagjit Gill, Advocate for the petitioner.

Mr. Yashwinder Singh, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this third petition under Section 439 Cr.P.C., petitioner-Jagdish, has prayed for grant of regular bail in case FIR No. 276 dated 09.11.2016 registered under Sections 307 and 341 read with Section 34 IPC and Section 25 of the Arms Act, 1959 at Police Station Sadar Sirsa, District Sirsa.

Earlier two similar petitions were filed by the petitioner, out of which first one bearing CRM-M-16321-2017 was dismissed on merits on 05.07.2017 and the second bearing CRM-M-47413-2017, was dismissed as withdrawn on 18.04.2018, in view of the fact that trial was at the final stage.

Learned counsel for the petitioner *inter alia* contends that this is a case of version and cross-version between the parties. Second petition filed by the petitioner for grant of regular bail (CRM-M-47413-2017) was withdrawn by the petitioner on 18.04.2018, in view of the fact

that trial was at the final stage, but now, this Court vide order dated 14.08.2018, passed in CRR-1197-2018, filed by the complainant had stayed the pronouncement of final decision by ordering the trial Court to adjourn the case beyond the date fixed before this Court. The said revision is not likely to be heard shortly. All the accused persons of the opposite side have been released on bail. Son of the petitioner was also booked in the instant case and has been acquitted by the Principal Magistrate, Juvenile Justice Board, Sirsa, vide judgment dated 04.06.2018. Co-accused of the petitioner, namely; Chhotu Ram has already been enlarged on bail. The petitioner is in custody since 28.12.2016. Nothing has to be recovered from him. Conclusion of trial may take a long time. No useful purpose would be served by detaining him in jail.

On the other hand, learned State counsel vehemently opposed the submissions of learned counsel for the petitioner.

Considering overall facts and circumstances, but without expressing any opinion on the merits of the case, the petition is allowed. Consequently, petitioner-Jagdish, is ordered to be released on bail pending trial, on his furnishing adequate bail bonds and surety bonds to the satisfaction of Trial Court/Duty Magistrate concerned.

October 09, 2018

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No