

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.209

CRM-M-43040-2018

Date of decision : 05.10.2018

Binder @ Sukhvinder

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Avi Dhankhar, Advocate, for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks regular bail in case FIR No.45 dated 05.04.2017, registered at Police Station Rajound, District Kaithal, under Sections 302, 323, 148, 149 and 307 IPC.

In the FIR, there are no specific allegations against the petitioner. It is only alleged that he was part of an unlawful assembly which attacked the deceased person.

Learned counsel for the petitioner submits that the petitioner has been in custody since 11.04.2017. The investigation is complete, but the trial is not likely to be concluded at an early date as many prosecution witnesses still remain to be examined. The petitioner is not a hardened criminal and therefore, he may be released on regular bail.

Custody certificate dated 05.10.2018, prepared by Sh. Sukh Ram, Superintendent of Prison, District Prison, Kaithal, has been filed by the learned State counsel in Court today and the same is taken on record. A copy thereof has been supplied to counsel for the petitioner. According to this certificate, the petitioner has been in custody for one year, five months and twenty three days. Only one other case under Sections 323 and 325 IPC is pending against him, in which he has been granted regular bail.

Learned State counsel prays for dismissal of the petition on the ground that the petitioner had caused a head injury to one Roshan and this has been corroborated by two eye witnesses during the course of the trial.

It may be that on the basis of the evidence produced during the course of the trial, the petitioner may be convicted under Section 307 IPC. But, for the purpose of granting regular bail, I am only required to see the period of custody already undergone, the criminal antecedents of the petitioner and whether the trial is likely to be concluded at an early date or not. The petitioner has been in custody for almost one and a half years. Learned State counsel has admitted that only two out of twenty four prosecution witnesses have been examined till date. Thus, it is clear that the trial is not likely to be concluded at an early date. Another case of assault with blunt weapon is pending against the petitioner, in which he has been granted regular bail and thus, it is clear that the petitioner is not a hardened criminal.

Keeping in view the facts and circumstances of this case, I deem it appropriate to allow this petition. Accordingly, the petition is allowed and petitioner-Binder @ Sukhvinder, is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

(SUDHIR MITTAL)
JUDGE

05.10.2018

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No