

216/2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43146-2018 (O&M)

Date of decision:16.10.2018

Vinay Rati @ Vijay Rath

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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

Mr. Vikas Malik, DAG, Haryana.

Mr. Anshumaan Dalal, Advocate, for the complainant.

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of bail pending trial in case FIR No. 621 dated 13.10.2016 under Sections 302, 201, 34 of IPC and Sections 27-54-59 of Arms Act 1959, registered at Police Station: City Bahadurgarh, District Jhajjar.

Learned counsel for the petitioner contends that the name of the petitioner has been wrongly mentioned in this case only on the basis of the alleged CCTV footage of the hospital, where the petitioner, along with his co-accused, is allegedly seen as leaving the deceased on a stretcher; in an injured condition. Counsel for the petitioner further contended that in the name of the recovery, the police have shown recovery of only the licensed revolver of the petitioner. The petitioner is in custody since 14.10.2016. In the past about 02 years, only 12 witnesses have been examined, out of 33 witnesses. Even these witnesses have to be re-examined because supplementary challan has been filed against the co-accused who are being tried with the petitioner. It is further contended that the petitioner is not required for any investigation purposes and there is no other case against

him.

On the other hand, learned State counsel, being instructed by ASI Jai Karan has submitted that the supplementary challan has now been filed against the co-accused. The prosecution would try its best to complete the evidence as early as possible.

Mr. Anshumaan Dalal, Advocate, appearing for the complainant submits that the petitioner is attributed direct role of killing the deceased. The petitioner is seen in the video footage of the CCTV of the hospital alongwith his co-accused when they were leaving the deceased in injured condition on a stretcher in the hospital.

Be that as it may, the fact remains that even the prosecution is wavering in its investigation. The supplementary challan has just been filed. The petitioner has been in custody for two years. Therefore, in view of the submissions made by the counsel for the petitioner, but without expressing any opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

16.10.2018

Hemlata

Whether speaking/reasoned Yes / No

Whether reportable Yes / No