

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-42542 of 2017
Date of decision : July 24, 2018

Shyam Singh

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Partap Singh, Advocate, for the petitioner
Mr. Siddarth Sanwaria, DAG, Haryana for the State

Fateh Deep Singh, J. (Oral)

This order shall dispose off 4th regular bail application of Shyam Singh who is under detention in this case since 4.6.2015.

The precise allegations against the petitioner are that a written complaint was given by complainant Vipul Mandal alleging that the present petitioner along with his co-accused on 2.5.2015 had forcibly trespassed and entered the house of the complainant armed with country made pistol and other weapons and thereafter abducted him and took him to nearby Awardhan canal and thereafter with the intention to kill threw him in the water and fired from the country made pistol. However, the complainant had a miraculous escape.

The contentions of the counsel for the petitioner are that the petitioner has already undergone more than 3 years 2 months incarceration

and that the trial is yet to begin and thus, the petitioner is entitled to bail. Though on behalf of the learned State counsel bail has been sought to be opposed with much vehemence on the ground of numerous criminal cases being faced by the petitioner from time to time.

Apparently as per record of the cases detailed in the custody certificate, the petitioner has been allowed bail in 8 cases whereas he has been acquitted in 4 cases and the State counsel does not dispute that no other criminal case is pending against the petitioner except the present one.

Keeping in view the period of incarceration and the fact that the trial is yet to initiate, it would be traversity of justice if the petitioner remained in custody for a longer period. Thus, in the interest of justice he is ordered to be released on bail. However, keeping at bay the apprehension of the State that he might abscond, it would be in the fitness of things, if the petitioner is released on bail on furnishing two local sureties in the sum of Rs 5 lacs each, to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Karnal.

The observations made herein above shall not be binding on the trial court at the time of trial as these are purely for the disposal of the present bail application.

July 24, 2018
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No