

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.211

CRM-M-44672 of 2018
DECIDED ON: December 06, 2018

ASHISH

..PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Navneet Singh, Advocate, for the petitioner.

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

SUDHIR MITTAL, J. (ORAL)

The petitioner seeks grant of regular bail in case FIR No. 267 dated 26.05.2018 registered under Sections 302, 307, 34, 506 IPC and Section 25 of Arms Act, 1959, at Police Station Rohtak Sadar, District Rohtak.

Learned counsel for the petitioner submits that the only allegation against the petitioner in the FIR is that he accompanied the main accused persons who caused the stab wounds resulting into the death of Jaideep s/o Dilbagh Singh. No other role is attributed to him. He has been in custody since 31.05.2018. The trial is not likely to be concluded at an early date as the examination of PWs has not yet started. Thus, he may be released on regular bail.

Custody certificate dated 05.12.2018 prepared by
Sh. Dharamvir Singh Kadma, Deputy Superintendent, District Prison

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(Rohtak), Haryana has been filed in Court. The same is taken on record. According to this certificate, the petitioner has undergone actual custody of 06 months & 05 days and there is no other criminal case pending against him.

Learned counsel for the complainant opposes the prayer for bail on the ground that the injured person namely Deepak has been examined in a protest petition filed against the challan exonerating Mohit s/o Mukesh in which he has mentioned the name of the petitioner as one of the persons who were present at the spot. Thus, it is submitted that the petitioner was also present at the spot and was involved in the conspiracy. He does not deserve the concession of bail.

It is apparent from the custody certificate that there is no other criminal case pending against him. Learned State counsel also does not dispute the fact that the examination of PWs has not yet started. Thus, the trial is not likely to be concluded at an early date. The statement of Deepak aforementioned will not make any difference as in the said statement, he has not attributed any specific role to the petitioner. Thus, the petitioner deserves to be released on regular bail.

Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court concerned at Rohtak.

December 06, 2018

Ankur

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No

**(SUDHIR MITTAL)
JUDGE**