

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

CRM-M-45411-2018
Date of decision: 25.10.2018

Dharam Singh @ Dharma

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Ms. Monika K. Tanwar, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 439 dated 16.07.2015, under Sections, 148, 149, 307, 120-B of the IPC and Section 25 of the Arms Act, 1959, registered at Police Station City Sonapat, District Sonapat.

Learned counsel for the petitioner submits that petitioner is in judicial custody for the last 02 years, 10 months and 13 days and the injured persons, i.e PW-3 Mehar Singh, PW-4 Manjit Singh and PW-5 Ram Niwas, while appearing as witness have stated that they do not know anything about the incident in question, consequently, they were declared hostile. It is further submitted that even two other witnesses, i.e. PW-1 Ashok Kumar and PW-2 Jasbir, have also deposed on the similar line.

Learned counsel for the petitioner has relied upon statement of the aforementioned witnesses i.e. attached with this petition and a perusal of

the same shows that during cross-examination, conducted by the public prosecutor, these witnesses have even denied their statements made before the police under Section 161 Cr.P.C.

Learned counsel for the petitioner has also submitted that other co-accused of the petitioner namely Sachin Sharma, Ravi, Ajit @ Foji, Ajay @ Chandgi and Ram Karan have already been granted the concession of bail, vide orders dated 28.03.2018 passed in CRM-M No.2522 of 2018, dated 28.07.2017 passed in CRM-M No.20592 of 2017, dated 18.10.2016 passed in CRM-M No.30987 of 2016, dated 28.03.2017 passed in CRM-M No.4319 of 2017 and dated 08.04.2016 passed in CRM-M No.38427 of 2015.

Learned counsel for the petitioner has also submitted that the petitioner is in judicial custody since 02 year, 10 months and 13 days and conclusion of the trial is likely to take some time. It is further submitted that since the material witnesses including the injured witnesses have failed to support the prosecution version, the petitioner may be granted the concession of regular bail.

Learned State has filed, on instructions from the Investigating Officer on the basis of the custody certificate has not disputed the custody period of the petitioner, however, submits that petitioner is involved in some other cases.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts that petitioner is in judicial custody for the last 02 years, 10 months and 13 days and co-accused have already been granted concession of

regular bail as noticed above; the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

October 25, 2018

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No