

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

219

CRM-M-45855-2018

Date of Decision: October 25, 2018

Sain @ Sahin Hussain

.....Petitioner(s)

versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Abhinav Sood, Advocate for the petitioner.

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

Sudhir Mittal, J. (Oral)

The petitioner-Sain @ Sahin Hussain son of Shri Abdul, seeks grant of regular bail in FIR No.652 dated 19.11.2017, registered at Police Station City Palwal, District Palwal, under sections 307 IPC and section 25 (Act No.54 of 1959) of Arms Act, 1959 was added later on.

According to the FIR, the complainant heard noise of fighting emanating from the quarter of brother-Shiva Paswan. On reaching the quarter, he found that Shiva Paswan had been hit by bullet. The petitioner is named in the FIR as the person who fired the bullet.

Learned counsel for the petitioner submits that the petitioner has been in custody since 19.12.2017. the investigation is complete and the trial is not likely to be concluded at an early date as some prosecution witnesses still remain to be examined. Moreover, the complainant has not been cited as PW and the injured

person has not supported the case of the prosecution. Thus, the petitioner deserves to be granted regular bail.

Learned State counsel submits that out of 13 prosecution witnesses, 09 have already been examined and the remaining prosecution witnesses have been summoned for the next date of hearing i.e. 13.11.2018. since the trial is nearing completion, the petitioner may not be granted regular bail.

However, learned State counsel does not dispute the fact that the injured person has not supported the prosecution version and the complainant has not been cited as a witness. It is also not disputed that there is no criminal case pending against the petitioner. Although, only 04 more witnesses remain to be examined, it is likely that the trial Court may not be concluded within a short period of time. Under the circumstances, the petitioner deserves to be granted regular bail.

In view of the above, this petition is allowed and the petitioner-Sain @ Sahin Hussain son of Shri Abdul, is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of learned trial Court concerned.

October 25, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No