

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

CRM-M-45236 of 2017 (O&M)

Date of Decision: 05.07.2018

Sunil Narula @ SheruPetitioner

Vs.

State of HaryanaRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Veneet Sharma, Advocate for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

Mr. Sanjeev Gupta, Advocate and
Mr. N.K. Malhotra, Advocate for the complainant.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.283 dated 15.04.2016 registered under Sections 302, 307, 34, 120-B IPC and Sections 25 and 30 of Arms Act at Police Station City Hansi, District Hissar.

Counsel for the petitioner has submitted that the ocular version given by the main witness while appearing as PW1 before the trial Court does not match with the report of Forensic Science Laboratory qua the weapons used. Moreover, no weapon of offence has been recovered from the petitioner. Counsel further submits that the petitioner is in custody since 18.04.2016 and only one witness has been examined by the prosecution so far. It is further submitted that the accused petitioner had not contributed to the delay in the proceedings in any manner, rather, it is the complainant side which has been taking other collateral and parallel proceedings which resulted in delay. Moreover, the petitioner is not required for any investigation and not for any other purpose. Counsel also submits that there is no other case against the petitioner. He has been roped in the crime in

this case only as an attempt to involve his entire family.

On the other hand, the State Counsel assisted by Mr. N.K. Malhotra, Advocate appearing on behalf of the complainant, and on instructions from HC Surinder Kumar, submits that there are serious allegations against the petitioner. The evidence in the case has started and likely to be concluded as early as possible. Still further, counsel appearing for the complainant submits that the petitioner has been extending threats to the complainant and in that regard, certain complaints were moved to the authorities. However, he has admitted that no action has been taken by the authorities against the petitioner in those complaints so far.

Since the trial has only commenced with examination-in-chief of one person and is likely to take much more time and the petitioner is in custody for more than two years as of now, therefore, for satisfying the requirement of striking a balance between the individual liberty and the State privileges, the petitioner deserves to be granted concession of bail pending trial. Therefore, without commenting upon the merits of the case and keeping in view the fact that the trial will take long time to conclude, it is ordered that the petitioner be released on bail pending trial; on his furnishing bail bonds/ surety bonds to the satisfaction of the trial Court.

Disposed of.

July 05, 2018

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(RAJBIR SEHRAWAT)

JUDGE

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No