

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

CRM-M-45296-2017

Date of Decision:07.03.2018

Sunil @Dholu

.....Petitioner

Vs.

State of Haryana

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Sushil Kumar Verma, Advocate,
for the applicant/petitioner.

Mr. Ravi Pratap, A.A.G., Haryana.

Mr.Rejpal Singh Dhull, Advocate,
for the complainant.

AMOL RATTAN SINGH, J. (Oral)

Learned counsel for the petitioner submits that the applicant/petitioner not having been attributed the gun shot injury and also having remained in custody for more than 1 year and 5 months, with the complainant also now having been examined, there would be no reason for the petitioner to not be granted the concession of bail.

Learned State counsel on instructions does not deny that the complainant has now been examined, the observation of this Court earlier being, vide its order dated 20.12.2017, that unless the complainant is examined it would not be possible to consider the prayer for regular bail in a murder case.

However, learned counsel for the complainant submits that the petitioner being one of the two persons involved in the murder of the complainants' brother, he is not entitled to the concession of bail even at this

stage, especially as he inflicted an injury on the head of the complainant with an iron rod.

He further submits that the petitioner was therefore also an active participant in the murder itself.

Having considered the aforesaid arguments, though learned counsel for the complainant is correct as regards the allegation against the petitioner, however, with the trial not anywhere near conclusion, with 14 prosecution witnesses left to be examined, and the fatal shot not having been attributed to the petitioner, in the opinion of this Court the period of incarceration being more than 1 ½ years now, he is entitled to the concession of bail at this stage.

Consequently, on his furnishing adequate bail and surety bonds to the satisfaction of the learned trial Court, the petitioner shall be released from custody during the pendency of the trial.

The trial Court is directed to ensure that the trial is now concluded within a period of six months.

March 07, 2018

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned	: YES/NO
Whether Reportable	: YES/NO