

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

CRM-M No.46276 of 2017
DATE OF DECISION:18.05.2018

Pankaj @ Pinku

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Jasjit Singh Bedi, Senior Advocate with
Mr. Sonpreet Singh Brar, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

DAYA CHAUDHARY, J.(ORAL)

Through the present petition filed under Section 439 Cr. P.C.,
the petitioner seeks regular bail in case FIR No.187, dated 14.11.2015,
registered under Sections 148/149/302/307/202 IPC & 25/27/29/54/59 of
Arms Act at Police Station Mohana, District Sonapat.

Learned counsel for the petitioner submits that during trial
eleven witnesses have been examined and none of them has supported the
case of the prosecution. Now remaining witnesses are not material
witnesses. Petitioner is in custody for the last more that one year ten
months. Co-accused Dharmender has filed CRM No.M-33581 of 2017
before this Court, his bail application has been allowed and he has been
released on regular bail vide order dated 06.11.2017. He also submits that
the order passed in case of co-accused was brought to the notice of the trial
Court but still the application has been dismissed.

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Learned State counsel has not disputed custody period as well as examination of eleven material witnesses but opposed grant of bail to the petitioner, due to seriousness of offence. He also submits that specific observation has been made by the trial Court as to whether the statement was made under pressure of police or not.

Heard arguments of learned counsel for the petitioner as well as learned counsel for respondent-State.

Out of total eleven witnesses three material witnesses namely Devender, Ravinder and Anil have been examined and they have not supported the case of the prosecution. Co-accused Dharmender who filed CRM No.M-33581 of 2017 has been granted regular bail. Petitioner is in custody for the last more than one year, ten months and no purpose would be served to keep the petitioner behind the bars when the material witnesses have been examined. The petition is allowed and the petitioner is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court.

18.05.2018
rimpal

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No