

CRM-M-47615-2018

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

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Date of Decision: 26.11.2018

Gautam

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Jitender Dhanda, Advocate,
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

INDERJIT SINGH, J.(Oral)

Petitioner has filed this second petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.104 dated 04.06.2016, registered at Police Station Nagina, District Mewat (Nuh), under Sections 148, 149 and 302 of the Indian Penal Code and Section 25 of the Arms Act, 1959.

Notice of motion has been issued. Learned State counsel has appeared and contested the instant petition.

I have heard learned counsel for the petitioner as well as learned State counsel and gone through the record.

From the record, I find that FIR has been registered by name against 13 persons including the present petitioner. Learned State counsel submits that 07 persons have been found innocent and challan

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has been presented against 06 persons only. In the FIR, neither any specific injury has been attributed to the present petitioner, nor there is mention regarding any specific weapon, he was having with him. However, it is stated in general that these accused were holding *lathi*, *danda*, iron rod etc. The injuries as stated by learned State counsel, have been given with blunt weapons. Learned State counsel also submits that during investigation, it has come that the present petitioner was armed with *danda*. Similarly situated co-accused namely Tahir has already been released on bail by this Court vide order dated 15.10.2018 passed in CRM-M-38102-2018.

The petitioner has been in custody since 28.01.2017. He is not required for any investigation or interrogation purposes as he is in judicial custody. In the present case, 14 witnesses have already been examined. 09 witnesses remain to be examined and out of them, 03 witnesses have already been declared proclaimed offenders in this case by the court as they are not appearing as witnesses, meaning thereby trial of the case may take a long time. Therefore, no useful purpose will be served by keeping the petitioner in custody till the final disposal of the case.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail; without expressing any opinion on the merits of the case; in view of the role of the present petitioner in this case and on the ground of parity also, this criminal miscellaneous petition is allowed and the petitioner is ordered to be

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released on bail subject to his furnishing personal bonds in the sum of ₹50,000/- with two sureties in the like amount each to the satisfaction of the trial Court/Duty Magistrate.

26.11.2018

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Whether speaking/reasoned	:	Yes
Whether reportable	:	No