IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.48908 of 2017
Decided on: 18.05.2018

Satya Narain

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. H.N. Sahu, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this 3rd petition is for grant of regular bail to the petitioner in FIR No.134 dated 14.05.2015, for offence punishable under Sections 302, 120-B, 476 read with Section 34 of the Indian Penal Code (in short 'IPC') and 25/54/59 of the Arms Act, registered at Police Station Udyog Vihar, Gurgaon, District Gurgaon.

Counsel for the petitioner has submitted that on an earlier occasion, the petitioner has moved 02 petitions for similar prayer, however, the first petition i.e. CRM-M No.40075 of 2016 was dismissed as withdrawn and the second petition i.e. CRM-M No.28311 of 2017 was disposed of on 07.11.2017 granting liberty to approach the trial Court again in view of the fact that 02 of the prosecution witnesses have not supported the case. It is further submitted that PW1 – Devender Singh and the complainant namely Krishan Kumar i.e. PW5, who is the real brother of the deceased – Ranbir Singh, have not supported the prosecution version and they were declared hostile. It is

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also submitted that fresh ground for filing the present petition is that the petitioner has already undergone the substantive custody for a period of about 03 years and the trial is still at the stage of recording the prosecution evidence, though, the main witnesses have already been examined and they have not supported the prosecution case. Counsel for the petitioner has further submitted that co-accused of the petitioner namely Rajan @ Ajay, on whose disclosure statement, the petitioner was involved in the present case, has already been granted the concession of regular bail by this Court vide order dated 25.10.2016 passed in CRM-M No.37360 of 2016.

Counsel for the State has filed the Custody Certificate and has opposed the prayer for bail on the ground that the petitioner was involved in 03 other FIRs in which he stands acquitted and he is also facing a trial in case registered under Section 285 IPC and 25/54/59 of the Arms Act and is on bail in that case. It is further submitted that only 02 prosecution witnesses are yet to be examined and the next date of hearing fixed before the trial Court is 07.06.2018.

This was the same situation on 23.04.2018, when this information was supplied to this Court.

Without commenting anything on merits of the case and considering the fact that 02 prosecution witnesses i.e. PW1 – Devender Singh and the complainant namely Krishan Kumar – PW5, have not supported the prosecution version and also in view of the fact that the petitioner has undergone 02 years, 11 months and 10 days of actual custody during the trial and the evidence of 02 of the prosecution witnesses is yet to be recorded; the co-accused of the petitioner namely

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Rajan @ Ajay has already been granted the concession of regular bail; the conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is ordered to be released on bail subject to furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it is made clear that in case, during the pendency of the trial, the petitioner is found involved in any other case or misusing the concession of bail or is extending threat to the witnesses or complainant, in any manner, then it will be open for the prosecution to apply for cancellation of bail.

(ARVIND SINGH SANGWAN)
JUDGE

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Whether speaking/reasoned Yes/No

Whether reportable: Yes/No

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