

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

Sr. No.213

CRM-M-53963 of 2018 (O&M)
DECIDED ON: December 13, 2018

SAHIL @ JITENDER

..PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Saurabh Sharma, Advocate, for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

SUDHIR MITTAL, J. (ORAL)

The petitioner seeks grant of regular bail in case FIR No. 45 dated 05.04.2017 registered under Sections 120-B, 148, 149, 323, 302 IPC at Police Station Rajound, District Kaithal.

Learned counsel for the petitioner submits that the petitioner has been in custody since 01.05.2017 and only 01 PW out of 24 PWs has been examined till date and that too in part. His cross examination is still to be conducted. Thus, the trial is not likely to be concluded at an early date. There is no other criminal case pending against the petitioner except FIR No.01, dated 04.01.2016, which is between the same parties. The petitioner is not named in the FIR and has been cited as an accused on the basis of statements recorded under Section 161 Cr.P.C. which are at variance with the story putforth in the FIR. Thus, the petitioner be released on regular bail.

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Learned State counsel does not dispute that only 01 PW has been partially examined till date and that other FIR pending against the petitioner is subsequent to the present FIR and is between the same parties. He, however, submits that the petitioner used his car to run over the deceased person and the car was recovered at the spot. Thus, the petitioner does not deserve to be released on regular bail.

In rebuttal, learned counsel for the petitioner submits that the story of the deceased having been run over by the car of the petitioner is an afterthought. No such story was putforth when the FIR was registered. The co-accused Ratna has been granted regular bail vide order dated 16.08.2018 passed in CRM-M-22792 of 2018 (P-3).

Keeping in view the custody period of the petitioner as well as the fact that the trial is not likely to be concluded at an early date and also that the petitioner does not have any criminal antecedents, no useful purpose would be served by keeping him in custody indefinitely. Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court concerned, at Kaithal.

December 13, 2018
Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No