

CRM-M-8375-2018

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

CRM-M-8375-2018

Date of Decision: 6th April, 2018

Sanjay

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Vikas Mor, Advocate,
for the petitioner.

Mr. Apoorv Garg, DAG, Haryana.

AUGUSTINE GEORGE MASI, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.222, dated 25.06.2017, registered at Police Station Sadar Jind, under Sections 302, 201 and 34 of the Indian Penal Code.

It is the contention of the learned counsel for the petitioner that the petitioner was arrested on 10.07.2017 and since then, he is in custody. Referring to the post-mortem report of the deceased, counsel for the petitioner points out that all the injuries which have been found on the person are simple in nature. Even the Chemical Examiner's report

indicates that there was no poison detected in the *visra* or the sample, which were sent for examination, what has come out therefrom is that there was presence of some alcohol. He, thus, contends that the petitioner is in custody for the last almost nine months and the trial is not likely to conclude soon as none of the prosecution witnesses has been examined till date. He, therefore, prays for grant of regular bail to the petitioner during the pendency of the trial.

On the other hand, counsel for the State submits that there is allegation that there was a threat given to the deceased by the other accused. He, however, could not dispute the factum with regard to the contention of the counsel for the petitioner with reference to the post-mortem and the *visra* reports but his assertion is that the petitioner has been specifically named in the FIR and therefore, he should not be granted the concession of regular bail. He, on instructions from ASI Randhir Singh, P.S. Sadar Jind, informs that the next date of hearing before the trial Court is 19.04.2018 when the complainant and other eye-witnesses are likely to be examined.

Counsel for the petitioner counter to this submission of the counsel State by asserting that on the last date of hearing also, those witnesses were summoned but they did not appear.

I have considered the submissions made by the counsel for the parties and keeping in view the post-mortem and *visra* reports as also the fact that none of the prosecution witnesses has been examined till date

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and almost nine months have passed since the petitioner was taken in custody, the trial is not likely to conclude soon and therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

6th April, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No