

CRM-M-9245-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9245-2018

Date of Decision: 20th March, 2018

Kuldeep

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Rakesh Nehra, Advocate,
for the petitioner.

Mr. Sharad K. Yadav, DAG, Haryana.

AUGUSTINE GEORGE MASIH, 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.298, dated 02.08.2011, registered at Police Station Sampla, District Rohtak, under Sections 148, 149 and 302 of the Indian Penal Code.

It is the contention of the learned counsel for the petitioner that the petitioner was arrested in this case on 02.08.2011 and since then, he is in custody. His submission is that the role, which has been attributed to the petitioner is that he had caught hold the leg of deceased-Suresh, while other co-accused were inflicting injuries on him. Counsel contends that after the submission of challan, which was against the five persons including the

petitioner, an application under Section 319 of the Code of Criminal Procedure was preferred at the stage when statements under Section 313 of Code of Criminal Procedure were already recorded. The said application was finally accepted by the Revisional Court after the dismissal by the trial Court resulting in fresh framing of charges on 10.01.2017 where now the trial is in progress. Out of the total 23 prosecution witnesses, one witness has been given up and 6 witnesses have been examined. He, therefore, contends that the trial is not likely to conclude soon as the petitioner has already completed 6½ years of custody. He, therefore, prays for grant of concession of regular bail to the petitioner during the trial.

On the other hand, learned counsel for the State submits that although in the FIR, allegation against the petitioner is that he had caught hold the leg of deceased-Suresh but on disclosure statement made by him, a *lathi* has been recovered, which as per him, has been used by the petitioner for hitting the deceased on the head. He, therefore, prays that the present petition be not allowed.

Having considered the submissions made by the counsel for the parties and keeping in view the custody period of the petitioner as also the fact that trial is not likely to conclude in near future as fresh charges have been framed on 10.01.2017, after which, out of 23 prosecution witnesses, 1 although has been given up and 6 witnesses stand examined and co-accused of the petitioner namely Kaptan, Sonu @ Manoj and Ranbir have been granted the concession of regular bail by this Court, the present petition is

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allowed and the petitioner is ordered to be released on bail during the pendency of the trial subject to his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

20th March, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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