

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-1095 of 2019

Date of Decision: January 22, 2019

Sukhvinder and another

.....Petitioners

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Sandeep Kumar Yadav, Advocate for the petitioners

Mr. D.R. Singla, DAG Haryana

Sudhir Mittal, J. (Oral)

The petitioners seek grant of regular bail in case FIR No. 41 dated 22.01.2018 under Sections 148, 149, 302, 323, 325, 506 IPC, registered at Police Station City Narnaul, District Mahendergarh.

Learned counsel for the petitioners submits that the petitioners are not accused of having given any injury to the deceased person. The allegation against them is that they caused injuries to other persons. The complainant as well as the injured persons have already been examined and they have not supported the prosecution version. The petitioners have been in custody since 27.01.2018 and there is no other criminal case pending against them. The trial is not likely to be concluded at an early date, thus, the petitioners may be released on regular bail.

Custody certificate dated 21.01.2019 prepared by Sh. Shivender Pal, Deputy Superintendent, District Prison, Narnaul, Mahendergarh, has been filed in the Court today and the same is taken on record.

According to this certificate, the petitioner has undergone actual custody of 11 months and 24 days. There is no other criminal case pending against them.

Learned State counsel submits that out of total of 29 PWs, 11

circumstances, the petitioners do not deserve to be released on regular bail as the trial will conclude in a short while. However, the factual submissions made by counsel for the petitioner are not controverted.

Keeping in view the custody period of the petitioners as well as the fact that there are no other criminal cases pending against them and that the main prosecution witnesses have not supported the version of the prosecution, I deem it just and appropriate to release the petitioners on regular bail. Eighteen more witnesses remain to be examined and, thus, I can not accept the contention of learned State counsel that the trial will be concluded at an early date.

Accordingly, the petition is allowed and the petitioners are directed to be released on regular bail on their furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

January 22, 2019

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No