

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

**CRM-M No. 1682 of 2019
Date of decision : 23.01.2019**

Sunil

.....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Nipun Vashist, Advocate for the petitioner.

Mr. Rajesh K. Sheoran, Addl. A. G. Haryana.

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DAYA CHAUDHARY, J. (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No. 327 dated 27.10.2014 under Sections 307/450/34 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, registered at Police Station – Rewari City, Distt. Rewari, during pendency of the trial.

Learned counsel for the petitioner submits that earlier the petitioner was released on regular bail vide order dated 21.09.2015 and he was appearing before the trial Court regularly. On 02.03.2017, he could not appear before the trial Court on account of ailment of his family member and the application for exemption was dismissed. Thereafter, warrant of arrest was issued against the petitioner, which was received back unexecuted with the report that the petitioner was confined in Distt. Jail Bhondsi because of other case. Learned counsel also submits that bail petition filed by the petitioner was dismissed only on account of offence being of serious nature, whereas co-accused of the petitioner namely

Parveen and Yogesh have been released on regular bail. Petitioner is in custody since 29.01.2018. Out of total 35 prosecution witnesses, 22 have been examined and still the trial may take some time to conclude and no purpose would be served by keeping him in custody.

Learned State counsel has not disputed the period of custody undergone by the petitioner as well as factum of release of two co-accused on regular bail and also that the petitioner was earlier released on regular bail.

Heard arguments of learned counsel for the parties and have also perused the contents of the FIR and other documents available on record including the order of bail of the co-accused.

Admittedly, the petitioner was earlier released on regular bail vide order dated 21.09.2015 but subsequently, he was arrested in some other case and now he is in custody since 29.01.2018. Out of total 35 prosecution witnesses 22 witnesses have been examined and trial may take some time to conclude. Moreover, two co-accused namely Parveen and Yogesh have been released on regular bail. No purpose would be served by keeping the petitioner in custody. Accordingly, present petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing adequate bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

23.01.2019

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No