

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

Sr. No.215

**CRM-M-3834 of 2019
DECIDED ON: March 26, 2019**

AKASH

..PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Rakesh Kumar Lathwal, Advocate, for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

SUDHIR MITTAL, J. (ORAL)

The petitioner seeks grant of regular bail in case FIR No. 111 dated 13.03.2018 registered under Sections 302, 120-B, 34 IPC and Sections 25 & 27 of Arms Act, 1959, at Police Station Kharkhoda, District Sonipat.

According to the FIR, the brother-in-law of the complainant was shot dead by co-accused Jagmel and a lady namely Yogesh is mentioned as a conspirator.

Learned counsel for the petitioner submits that the petitioner has not been named in the FIR. On the basis of a supplementary statement made by one Jyoti-alleged eye-witness, the petitioner was nominated as an accused. The petitioner has been in custody since more than one year and the trial is not likely to be concluded at an early date as only 01 PW has been examined out of a total of 31 PWs. The alleged eye-witness namely Jyoti already stands examined and thus, it cannot be said that the petitioner

CRM-M-3834 of 2019

might influence the witnesses of this case. There are no other criminal cases pending against the petitioner and thus, he may be granted regular bail.

Custody certificate dated 24.03.2019 prepared by Sh. Ram Chander, DSP-1, Deputy Superintendent, District Prison, Sonipat, Haryana has been filed in Court. The same is taken on record. According to this certificate, the petitioner has undergone actual custody of 01 year and 09 days and there is no other criminal case pending/decided against the petitioner.

Learned State counsel opposes the prayer for regular bail on the ground that the supplementary statement of Jyoti implicates the petitioner. He, however, does not dispute the fact that there are no other criminal cases pending against the petitioner and that Jyoti already stands examined.

The supplementary statement of Jyoti-alleged eye-witness is on record. According to the statement, the petitioner is named as an accused in the conspiracy to murder the deceased but it is not stated that he played any active role in the murder. Thus, 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, I deem it appropriate to allow this petition. 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 Sonipat.

March 26, 2019

Ankur

Whether speaking/reasoned

Whether Reportable

(SUDHIR MITTAL)
JUDGE

Yes/No

Yes/No