

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

209

**CRM-M No.2173-2019
Date of Decision : 24.1.2019**

Sombir

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr.Man Mohit Malik, Advocate
for the petitioner.

Dr. Sushil Gautam, DAG, Haryana.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.327 dated 1.7.2017 registered under Sections 302, 307, 148, 149/34, 216 IPC and Section 25 of Arms Act -1959 at Police Station Kharkhoda, District Sonapat.

Learned counsel for the petitioner has argued that though the petitioner was named in the FIR yet neither any weapon has been recovered from his possession nor any recovery has been attributed to him.

Custody certificate dated 22.1.2019 by way of affidavit of Ram Chander, Deputy Superintendent, District Prison (Sonapat) Haryana has been filed on behalf of the respondent-State, the same is taken on record. Copy has been supplied to the opposite counsel. As per the custody certificate the petitioner has undergone custody for a period of more than

1 ½ years. Learned DAG has accepted this assertion but has argued that in the incidence in question two people were killed and thereafter other party killed two people of the petitioner side and in case the petitioner is released on bail further reprisal killing cannot be ruled out.

Counsel for the petitioner has further argued that the petitioner has otherwise clean record and one other co-accused Rajbir was released on bail and no untoward incidence took place and therefore the apprehension of reprisal killing cannot be taken over seriously.

In the circumstances, keeping in view the above facts and the period of incarceration already suffered by the petitioner, without going into the merits of the case, I deem it appropriate to grant regular bail to the petitioner. Ordered accordingly. Bail to the satisfaction of the concerned trial Court/Duty Magistrate.

Petition stands allowed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

24.1.2019
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No