

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

**CRM-M No. 2267 of 2019
Date of Decision:-23.01.2019**

Sumit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

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

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ J.(Oral)

Petitioner Sumit has filed this petition for grant of regular bail pending trial in case FIR No.200 dated 09.7.2017, under Sections 302, 148, 149 and 120-B IPC and Section 25 of the Arms Act, registered at police Station PGIMS, Rohtak. He is in custody since his arrest i.e. on 12.9.2017.

FIR was recorded on the statement of Shankar s/o Rajender with the allegations that the complainant is a labourer and has three brothers and sister. His brother Manoj told him that two days ago he had altercation with Annu Sunara s/o Devi Dayal. It was further narrated that on 08.7.2017 when the complainant alongwith his brother Manoj , Hitesh s/o Suresh and Monu s/o Kanhiya Lal was sitting at railway line, then at 09:00 p.m., Annu Sunara alongwith his 3-4 friends came there and took his brother Manoj for a talk. After walking for 15-20 steps, he fired a shot on the chest of Manoj and therefore, Manoj fell down. Annu

Sunara alongwith his weapon and associates fled from the spot.

Learned counsel for the petitioner has contended that the trial has commenced and the evidence of the complainant has already been recorded. It is further pointed out that no injury has been attributed to the petitioner, who was indicted on the basis of disclosure statement of Arun @ Annu. Nothing had recovered from him. It is further argued that no role whatsoever has been attributed to the petitioner.

On the other hand, the bail is opposed by learned State counsel, who is assisted by learned counsel for the complainant. It is not disputed that the complainant already stands examined before the trial Court and in all 04 prosecution witnesses have been examined out of total 29 witnesses.

Considering the above and custodial period of the petitioner, besides the fact that the trial is likely to consume more time as about 25 prosecution witnesses still remain to be examined, further custody of the petitioner may not be justified. Therefore, without meaning any expression of opinion on merits of the case, the petitioner is ordered to be released on regular bail subject to his furnishing the requisite bail bonds and surety bonds to the satisfaction of the trial Court.

The petition is allowed.

January 23, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No