

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

218-A

**C.R.M-M No.4798 of 2019 (O&M)
Date of Decision : 02.05.2019**

Rajbir

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Naveen Dahiya, Advocate
for Mr. Shalender Mohan, Advocate
for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, 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.528 dated 25.12.2015 registered under Sections 302, 201 IPC (Sections 364, 34 IPC added later on) at Police Station Rajendra Park, Gurgram, District Gurugram.

Custody certificate filed in Court today dated 01.05.2019 by Dharamvir Singh Kadma, Dsm, Deputy Superintendent, District Prison Rohtak, Haryana is taken on record.

Counsel for the petitioner has argued that it is a case of circumstantial evidence and the petitioner has been in custody for the last 01 year 2 months and 23 days. He has further argued that on the last date the prosecution was directed to ensure the presence of the complainant

before the trial Court and he had appeared thereafter and testified.

Learned Assistant Advocate General has confirmed that the complainant has testified. However, he has stated that the petitioner is in custody in some another case.

Keeping in view the entire conspectus of 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 trial Court. However, it is clarified that in case the petitioner does not file his bail bonds in this case, he would not be entitled to count his future custody in this case.

Petition stands allowed.

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

(**AJAY TEWARI**)
JUDGE

May 02, 2019
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Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No