

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

Sr. No.212

CRM-M-5854 of 2019

DECIDED ON: February 13, 2019

RAHUL

..PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Vibhav Jain, 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. 193 dated 04.07.2018 registered under Sections 307, 34, 120-B IPC (Section 216 IPC added subsequently) and Section 25 of Arms Act, 1959, at Police Station Furrukh Nagar, District Gurugram.

Learned counsel for the petitioner submits that the petitioner has been in custody since 27.07.2018. The trial is not likely to be concluded at an early date as only charge has been framed as examination of PWs has not commenced and he has no criminal antecedents. The role attributed to him in this case is only of keeping watch on the complainant and thus, no specific attribution is made to him. Thus, he may be granted regular bail.

Custody certificate dated 12.02.2019 prepared by Sh. Mohmed Sazeed Khan, DSS, Deputy Superintendent, District Prison, Gurgaon, Haryana has been filed in Court. The same is taken on record. According

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to the custody certificate, the petitioner has undergone actual custody of 06 months and 16 days and there is no other criminal case pending against him.

Learned State counsel opposes the prayer for bail on the ground that earlier petition for bail was dismissed as withdrawn on 30.10.2018 (P-3) and there are no change in the circumstances. Apart from that the factual submissions of learned counsel for the petitioner have not been controverted by learned State counsel.

Learned counsel for the petitioner submits that more than three months have elapsed since the passing of the previous order and trial has not progressed beyond the stage of framing of charge. The petitioner is a young boy and there is no specific attribution to him. Since the trial is not progressing, no useful purpose would be served by keeping him in custody for a longer period.

Keeping in view the fact that no specific role has been attributed to the petitioner as well as the fact that he has no criminal antecedents, no useful purpose would be served by keeping him in custody indefinitely. The trial has admittedly not progressed much since earlier bail petition was withdrawn and thus, I deem it appropriate to grant regular bail to the petitioner. 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 Gurugram.

February 13, 2019

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No