

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

CRM-M No. 7578 of 2019

Date of decision : 15.03.2019

Gurlal

.....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Amit Choudhary, Advocate for the petitioner.

Mr. Rajesh K. Sheoran, Addl. A. G., Haryana.

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DAYA CHAUDHARY, J. (Oral)

This petition has been filed by petitioner Gurlal under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No.158 dated 01.05.2017 under Sections 302, 364, 201, 120-B of the Indian Penal Code, 1860 and Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities), Act, 1989, registered at Police Station – Sadar, Tohana, during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner is in custody since 04.05.2017. There are total 10 accused, out of which 9 have already been released on regular bail. Learned counsel also submits that out of total 21 prosecution witnesses, 8 witnesses including the material witnesses have been examined. The complainant and the eye witness have not supported the case of the prosecution. Trial may take some time to conclude and no purpose would be served by keeping the petitioner in custody.

Learned State counsel has not disputed the custody period and release of all co-accused on regular bail. It has also not been disputed that the complainant and eye witness have not supported the case of the prosecution.

Heard arguments of learned counsel for the parties and have also gone through the contents of the FIR and other documents available on record.

By considering that the petitioner is in custody since 04.05.2017 and also the fact that out of total 21 prosecution witnesses, 8 witnesses including the material witnesses have been examined and the complainant and the eye witness have not supported the case of the prosecution; all co-accused of the petitioner have already been released on regular bail; trial may take some time to conclude, no purpose would be served by keeping the petitioner in custody, the present petition is allowed and the petitioner is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

15.03.2019

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No