

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11489-2019

Date of decision: 03.07.2019

Sunil @ Bachi

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Monika Tanwar, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.439 dated 16.07.2015 under Sections 148, 149, 307, 120-B IPC and Sections 25/54/59 of Arms Act, registered at Police Station City Sonipat, District Sonipat.

Learned counsel for the petitioner submits that while granting regular bail to co-accused Dharam Singh @ Dharma by this Court, following order was passed in CRM-M-45411-2018 on 25.10.2018: -

“Learned counsel for the petitioner submits that petitioner is in judicial custody for the last 02 years, 10 months and 13 days and the injured persons, i.e PW-3 Mehar Singh, PW-4 Manjit Singh and PW-5 Ram Niwas, while appearing as witness have stated that they do not know anything about the incident in question, consequently, they were declared hostile. It is further submitted

that even two other witnesses, i.e. PW-1 Ashok Kumar and PW-2 Jasbir, have also deposed on the similar line.

Learned counsel for the petitioner has relied upon statement of the aforementioned witnesses i.e. attached with this petition and a perusal of the same shows that during cross-examination, conducted by the public prosecutor, these witnesses have even denied their statements made before the police under Section 161 Cr.P.C.

Learned counsel for the petitioner has also submitted that other co-accused of the petitioner namely Sachin Sharma, Ravi, Ajit @ Foji, Ajay @ Chandgi and Ram Karan have already been granted the concession of bail, vide orders dated 28.03.2018 passed in CRM-M No.2522 of 2018, dated 28.07.2017 passed in CRM-M No.20592 of 2017, dated 18.10.2016 passed in CRM-M No.30987 of 2016, dated 28.03.2017 passed in CRM-M No.4319 of 2017 and dated 08.04.2016 passed in CRM-M No.38427 of 2015.

Learned counsel for the petitioner has also submitted that the petitioner is in judicial custody since 02 year, 10 months and 13 days and conclusion of the trial is likely to take some time. It is further submitted that since the material witnesses including the injured witnesses have failed to support the prosecution version, the petitioner may be granted the concession of regular bail.

Learned State has filed, on instructions from the Investigating Officer on the basis of the custody certificate has not disputed the custody period of the petitioner, however, submits that petitioner is involved in some other cases.”

Learned counsel for the petitioner further submits that co-accused of the petitioner namely Ajit @ Foji, Ram Karan, Ajay @ Chandgi, Ravi and Sachin Sharma have already been granted the concession of regular bail by this Court. It is further submitted that the petitioner is in judicial custody since 09.12.2015 and a period of more than three and half years has passed and till

date, the trial has not been concluded, as out of total 44 prosecution witnesses, only 17 PWs have been examined and all the three prime witnesses/injured/eyewitnesses Ram Niwas, Mehar Singh and Manjit have not supported the prosecution version.

Learned State counsel, on instructions from ASI Bipender Singh and on the basis of affidavit of DSP, City Sonipat, submits that the petitioner is involved in some other cases.

A perusal of the custody certificate shows that the FIRs, which are pending against the petitioner, pertain prior to 2015, in which he is shown to be on bail.

Without commenting anything on merits of the case, considering the fact that since a considerable period of three and half years has passed, when the petitioner is in judicial custody and the trial is in its mid way and also in view of the fact that aforesaid co-accused of the petitioner have already been released on regular bail, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

03.07.2019
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No