

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M- 13279 of 2019 (O&M)
Date of Decision:10.04.2019

Salim

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Vikas Malik, DAG, Haryana

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner seeking regular bail in case FIR No. 237 dated 02.07.2012 registered under Sections 148, 149, 302, 506 and 120-B IPC and Section 25 of the Arms Act, 1959 at Police Station Narnaund, District Hisar, Haryana

Learned counsel for the petitioner contends that the case against the petitioner is concocted. He is not involved in the alleged offence. Even his name is not mentioned in the FIR. The name of the petitioner has been involved in the present case by fabricating the disclosure statement, when the petitioner was arrested in another case. Even as per the case of the prosecution, there is no allegation against the petitioner regarding actual participation in the act of murder. The only allegation against the petitioner is that he was also present in the car alongwith other co-accused.

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It is further contended by learned counsel for the petitioner that in this case, earlier the petitioner was granted bail by the trial Court itself. However, due to unavoidable circumstances, the petitioner could not appear on one or two dates. His bail order was cancelled and he was arrested. The petitioner is in continuous custody since 02.07.2018. It is also submitted that out of total 80 witnesses, only 26 witnesses have been examined so far. The trial is not likely to be concluded in near future. Hence, the petitioner deserves to be granted concession of bail, during pendency of the trial.

On the other hand, learned State counsel, on instructions from Suresh Kumar, ASI, submits that the petitioner is involved in a heinous crime involving the murder of a person. However, it is not disputed that the petitioner was earlier released on bail in this case itself and further that out of total 80 witnesses, only 26 witnesses have been examined so far.

It is further contended that the petitioner is involved in as many as 17 other cases and if he is released on bail, then he is likely to abscond again. Hence, the petitioner does not deserve to be released on bail.

In response to this, learned counsel for the petitioner submits that these cases were pending against the petitioner at that time also, when the petitioner was earlier granted bail by the trial Court in this case. However, the petitioner has either been acquitted or is on bail in all other cases. The petitioner is not in custody in any other cases; except the two; which are fixed before this Court today for consideration of grant of bail.

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In view of the above, submissions of the learned counsel for the petitioner, but without commenting upon the merits of the case, the present petition is allowed. The petitioner is granted bail during the pendency of trial. The petitioner be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

April 10, 2019
dinesh

(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned Yes
Whether Reportable No