

Crl. Misc. No. M-41191 of 2018 (O&M)

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-41191 of 2018 (O&M)

DATE OF DECISION:26.02.2019

Sukhbir Singh @ Sukhi

.....Petitioner

Versus

State of Haryana

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Sandeep Gahlawat, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

DAYA CHAUDHARY, J.

Crl. Misc. No. 5866 of 2019

This application has been filed for placing on record copies of statements of PW-4 and PW-6.

Application is allowed and copies of statements of PW-4 and PW-6 are taken on record.

Crl. Misc. No. M-41191 of 2018

The present petition under Section 439 Cr.P.C. for grant of regular bail has been filed to petitioner-Sukhbir Singh @ Sukhi in case FIR No. 0158 dated 1.5.2017 registered under Section 365 IPC (Sections 302,364,201,120-B IPC added later on) at Police Station Sadar Tohana,

District Fatehabad (charges were framed under Sections 148,149,302,364,120-B IPC and Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, during pendency of the trial.

Learned counsel for the petitioner contends that there are total ten accused and eight have been released on bail. The petitioner is in custody for the last about one year and ten months. Neither PW-4-complainant nor PW-6-eye witness has supported the case of the prosecution. Learned counsel further contends that out of total 21 prosecution witnesses, all material witnesses have been examined. Trial may take some time to conclude and no purpose would be served by keeping the petitioner behind the bars.

Learned counsel for respondent-State has not disputed the custody period as well as stage of the trial but opposed bail on the ground of role attributed to the petitioner. He further submits that the petitioner cannot claim parity with co-accused, who have been released on regular bail.

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

By considering the custody of the petitioner since 4.5.2017 and also the facts that eight accused have already been released on regular bail; all material witnesses have been examined; complainant and eye witness have not supported the case of the prosecution; still trial may take some time to conclude and no purpose would be served by keeping the petitioner behind the bars, the present petition is allowed. Petitioner-Sukhbir Singh @

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Sukhi is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate.

February 26, 2019 (DAYA CHAUDHARY)
pooja JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes