

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

**Criminal Misc. No. M-41379 of 2018
Date of decision: 29.01.2019**

Vicky

..Petitioner

Versus

State of U.T., Chandigarh

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Siddharth Pandit, Advocate
for the petitioner.

Mr. Rajiv Vij, APP, UT Chandigarh
for the respondent.

Daya Chaudhary, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.0068 dated 02.03.2018 registered under Section 307 read with Section 34 IPC at Police Station Sector-36, Chandigarh during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case whereas no specific role has been attributed to him. The petitioner was arrested by the Police on 21.05.2018 and since then, he is in custody. Learned counsel further submits that on the same set of allegations, co-accused of the petitioner, namely, Rajpal was found innocent and Rameshwari has been released on regular bail. Out of total ten prosecution witnesses, five witnesses including the material witnesses i.e. complainant, injured and eye witnesses have been examined still trial may take time to conclude as not only remaining prosecution witnesses but defence witnesses are also to be examined. No purpose would

be served by keeping the petitioner in custody.

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Learned State counsel has not disputed the custody period as well as stage of trial but has opposed the submissions made by learned counsel for the petitioner qua parity with co-accused Rameshwari.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file.

By considering the submissions made by learned counsel for the petitioner that the petitioner is in custody since 21.05.2018; all the material witnesses have been examined including complainant, injured and eye witnesses; no specific role has been attributed to the petitioner; trial may take time to conclude and no purpose would be served by keeping the petitioner in custody, the present petition is allowed and the petitioner (Vicky) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

29.01.2019
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes