

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

**CRM-M No.19670 of 2019 (O&M)
Date of decision : 16.05.2019**

Devender

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Rakesh Kumar Lathwal, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.327 dated 01.07.2017 registered under Sections 302/307/148/148/34 IPC (Section 216 added later on) and Section 25 of Arms Act, 1959 at Police Station Kharkhoda, District Sonipat, Haryana.

Counsel for the petitioner states that as per the allegation in the FIR the petitioner and one Sarvan had fired the fatal shots. He has argued that as per the FSL report the shots were fired from the gun recovered from Sarvan and the petitioner has been in custody since 14.01.2018 and despite the fact that the charge was framed in April, 2018 not even a single witness has been examined.

Custody certificate dated 15.05.2019 filed by way of affidavit

on behalf of State is taken on record. Copy supplied to the counsel opposite. As per custody certificate, the petitioner has been in custody for 01 year and 04 months and no other case is pending against him.

Learned State counsel on instructions from SI Surender has accepted these factual assertions. He however states that in this case two persons were killed and even if the fatal shots may not have been fired by the petitioner he may have fired other shots.

Be that as it may. In view of the facts mentioned above and the period of incarceration already suffered by the petitioner and the fact that the trial is not likely to be concluded in the near future, I deem it appropriate to release the petitioner on regular bail to the satisfaction of the concerned CJM/Illaq Magistrate/Duty Magistrate.

Ordered accordingly.

Petition stands allowed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

16.05.2019

pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No