

CRM-M-43863-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43863-2018

Date of Decision: 17th December, 2019

Himanshu @ Chootu

...Petitioner

Versus

The State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. R.S. Kundu, Advocate
for the petitioner.

Mr. P.K. Aggarwal, DAG, Haryana.

SUDHIR MITTAL, J. (ORAL)

The petitioner seeks grant of regular bail in case FIR No.0125 dated 23.03.2018 under Sections 364, 201 and 120-B read with Section 34 of IPC, and Section 25 of Arms Act, 1959 registered at Police Station Kharkhoda, District Sonapat.

Learned counsel for the petitioner submits that the petitioner has been in custody since 29.03.2018 and the trial of the case is not likely to be concluded at an early date as a number of official witnesses remain to be examined. However, all the private witnesses have been examined. The petitioner is not named in the FIR and he has been nominated as an accused on the disclosure statement of one Sobh Raj, who is the main accused. He further submits that no recoveries have been effected from the petitioner nor is he a resident of the village. Thus, he may be granted the concession of

regular bail.

Learned State counsel submits that two burnt bodies were found in the fields and thus, the petitioner is accused of a heinous offence. He, however, does not dispute the facts, that the petitioner was nominated as an accused on the basis of disclosure statement of the main accused and that the private witnesses have been examined before the trial Court.

The learned Additional Sessions Judge, Sonapat, has rejected the bail application of the petitioner on the ground that he might influence the prosecution witnesses. This ground is now no longer existent as all private witnesses stand examined. The petitioner has been in custody for over one year and eight months and the trial is not likely to be concluded at an early date. Thus, no useful purpose would be served by keeping the petitioner further in custody.

Thus, I deem it appropriate to grant regular bail to the petitioner as well. The petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(SUDHIR MITTAL)
JUDGE

17th December, 2019
Nisha

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No