

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

CRM-M No. 44112 of 2018

Date of decision : 01.02.2019

Akash

.....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Randeep S. Dhull, Advocate for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

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DAYA CHAUDHARY, J. (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No. 234 dated 30.04.2017 under Sections 307, 120-B of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959, registered at Police Station – City Bhiwani, during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner is in custody since 17.05.2017. His name was not mentioned in the FIR and no overt act has been attributed to him. He had not participated in the commission of offence and nothing was recovered from him. Learned counsel also submits not only some of the prosecution witnesses remain to be examined, but statement of accused under Section 313 Cr.P.C. is to be recorded and thereafter statements of defence witnesses are also to be

recorded. Trial may take some time to conclude and no purpose would be served by keeping the petitioner in custody, as the material prosecution witnesses including the injured have been examined.

Learned State counsel has not disputed the custody period as well as the stage of the trial.

Heard arguments of learned counsel for the parties and have also perused the contents of the FIR and other documents available on record.

By considering the custody of the petitioner since 17.05.2017 and also the fact that all the material prosecution witnesses including the injured have been examined, still some of the prosecution witnesses remain to be examined and trial may take some time to conclude, no purpose would be served by keeping the petitioner in custody. Accordingly, present petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing adequate bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

01.02.2019

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No