

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

**CRM-M No. 44118 of 2018
Date of decision : 01.03.2019**

Rohit

.....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. H. N. Sahu, Advocate for the petitioner.

Mr. R. S. Doon, AAG, Haryana.

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DAYA CHAUDHARY, J. (Oral)

This petition has been filed by petitioner Rohit under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No. 658 dated 27.06.2017 under Sections 302/34/202/216 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959, registered at Police Station – Sadar, Karnal, during pendency of the trial.

Learned counsel for the petitioner submits that neither the name of the petitioner is mentioned in the FIR nor any specific role has been attributed to him. He has been implicated on the basis of disclosure statement suffered by the co-accused. It is a case of blind murder and based on circumstantial evidence. Even no test identification parade was conducted. Learned counsel also submits that out of total 22 prosecution witnesses, 9 material witnesses have been examined and still the trial may take some time to conclude. Even the complainant and the last seen witness have not supported the case of the prosecution. All the remaining

prosecution witnesses are official witnesses and there is no possibility that the petitioner may influence them or tamper with the evidence. The petitioner is in custody since 02.07.2017 and no purpose would be served by keeping him in custody.

Learned State counsel has not disputed the custody period, stage of the trial and also the examination of 9 material prosecution witnesses. However, he has opposed the bail.

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 period of one year and eight months and also the fact that the case is based on circumstantial evidence; petitioner has been implicated on the basis of disclosure statement suffered by the co-accused; there are total 22 prosecution witnesses, out of which 9 material witnesses have been examined and still trial may take some time to conclude; case of the prosecution has not been supported by the complainant as well as the last seen witness, no purpose would be served by keeping the petitioner in custody. Accordingly, the 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.

01.03.2019

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No