

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

**CRM-M No.22141 of 2019 (O&M)
Date of Decision: 25.09.2019**

Saurabh Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sushil Kumar Verma, Advocate for the petitioner.

Mr. Arun Beniwal, Deputy Advocate General, Haryana
for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in case bearing FIR No.90 dated 25.02.2018 (P-1), under Section 346 of the Indian Penal Code, 1860 (deleted later on) (Sections 306, 34, IPC added later on), registered at Police Station City Dabwali, District Sirsa.

Contentends that petitioner is in custody since 04.04.2018 and charges were framed on 18.08.2018, but despite various opportunities, complainant has not been examined till date.

The aforesaid factual position is duly acknowledged by learned State Counsel, on instructions from the police official present in the Court, but opposed the present bail application.

Heard both sides and perused the paper-book.

In compliance of order dated 17.07.2019, zimni orders from learned trial Court have been received and perusal of the same reveals that approximately 10 opportunities have been granted to the prosecution to conclude its evidence, but despite that, complainant has not been examined. It seems that prosecution is just prolonging the trial to keep the petitioner in custody.

In view of above, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

It is clarified that in case there is any recurrence on the part of the petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.

September 25, 2019

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**(MAHABIR SINGH SINDHU)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>