IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

280 **CRM-M-22579-2019.**
Date of Decision: 24.09.2019.

Kuldeep ....Petitioner.

Versus

State of Haryana ....Respondent.

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CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Sant Lal Barwala, Advocate for the petitioner.

Ms. Harpreet Kaur, Assistant Advocate General, Haryana.

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Shekher Dhawan, J.

Present petition under Section 439 of the Criminal Procedure Code is for grant of regular bail to petitioner in case F.I.R. No.4 dated 07.01.2018 under Sections 307, 392, 511, 201 of the Indian Penal Code and Section 25 of the Arms Act, registered at Police Station Bass, District Hansi, Haryana.

Learned counsel representing petitioner contended that the petitioner is in custody since 12.01.2018 and co-accused Ravinder alias Binder and Sumit have already been released on bail in this case as per order dated 16.05.2019 passed by this Court in CRM-M-55986-2018 and as per order dated 02.09.2019 passed by this Court in CRM-M-34339-2019. Learned counsel further contended that both the material witnesses i.e. complainant-Vinod and eyewitness Satish have already been examined during the trial and they have not supported the prosecution case. The trial

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of the case still to take some more time and no useful purpose would be served by detaining the petitioner behind the bars, so he be released on bail.

Learned State counsel, while opposing the prayer for bail, contended that the petitioner was arrested on the spot and some witnesses are yet to be examined. However, learned State counsel has not disputed the fact that complainant Vinod and eyewitness Satish have not supported the prosecution case and the petitioner is in custody since 12.01.2018.

At this stage, without commenting anything on the merits of the case, which may not cause prejudice to either of the parties at a later stage, but taking the above facts into consideration and the fact the petitioner is in custody since 12.01.2018, co-accused Ravinder alias Binder and Sumit have already been released on bail by this Court as per order dated 16.05.2019 passed by this Court in CRM-M-55986-2018 and as per order dated 02.09.2019 passed by this Court in CRM-M-34339-2019, material witnesses i.e. complainant-Vinod and eyewitness Satish, during the trial, have not supported the prosecution case; the trial of the case still to take some more time and no useful purpose would be served by detaining the petitioner behind the bars, the present petition is allowed. Petitioner—Kuldeep is ordered to be admitted to regular bail on his furnishing adequate bail bond and surety bond to the satisfaction of concerned learned trial Judge/ Chief Judicial Magistrate/ Duty Magistrate.

(SHEKHER DHAWAN)
JUDGE

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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No

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