

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

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**Crl.Misc. No.M-49210 of 2018
Decided on: 20.3.2019**

Sanjay Yadav

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. V.S. Rana, Advocate, for the petitioner

Mr. Tanuj Sharma, AAG, Haryana

Daya Chaudhary, J.(Oral)

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.261 dated 3.12.2017, under Sections 148, 149, 449, 450, 364, 323, 325 and 120B IPC, registered at Police Station Ateli, District Mohindergarh.

Learned counsel for the petitioner submits that allegations against co-accused Harvinder are the same as against the petitioner and he has been released on regular bail vide order dated 4.9.2018 passed in CRM-M No. 37034 of 2018. The bail application of the petitioner was dismissed by the lower Court only on the ground that he is involved in other cases also. Statement of the complainant has been recorded and he has not supported the case of the prosecution. There are total 14 prosecution witnesses and all have been examined. After recording statement of accused under Section 313 Cr.P.C., now the turn is of the defence witnesses. The petitioner wants to

defend by assisting his counsel in case he is released on bail. The petitioner is in custody since 22.12.2017. Initially, the FIR was under Section 307 IPC but subsequently, it has been deleted. Still trial may take some time in final conclusion and no useful purpose would be served by keeping the petitioner behind the bars.

Learned State counsel has not disputed custody period and status of the trial and also release of the co-accused on regular bail but has opposed grant of bail on the ground that the petitioner is involved in a number of cases including one case under Section 302 IPC, whereas as per submissions made by learned counsel for the petitioner, he is on bail in that case.

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

Keeping in view the custody of the petitioner since 22.12.2017 and also the facts that co-accused, namely; Harvinder has already been released on regular bail, although the trial is at the fag end but still statements of defence witnesses are to be recorded and in case, the petitioner is released on regular bail, he would be in a position to assist his counsel in recording statements of defence witnesses. Accordingly, the present petition is allowed. Petitioner is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(DAYA CHAUDHARY)
JUDGE

20.3.2018

Ashwani

Speaking/Non-speaking : Yes/No
Reportable/Reasoned : Yes/No