

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

CRM-M No. 50533 of 2018

Date of decision : 25.01.2019

Shakeel

.....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Shiva Khurmi, Advocate for the petitioner.

Mr. Rajesh K. Sheoran, Addl. A. G., 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. 107 dated 04.03.2017 registered under Sections 279, 336, 379, 506 of the Indian Penal Code, 1860 and Section 25 of the Arms Act (Section 379-B IPC added later on), registered at Police Station – Nuh, Distt. Nuh, during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas he was not involved. As per the allegations in the FIR, when co-accused Rahul was giving beatings to the complainant, petitioner along with other co-accused came and they also gave beatings to the complainant. Learned counsel further submits that it was a minor dispute between the parties but later on a false story has been concocted. The complainant has been examined and he could not identify

the petitioner. Two material prosecution witnesses have been examined and both of them have not supported the case of the prosecution including the complainant. Petitioner is in custody since 18.08.2018.

Learned State counsel has not disputed the custody period as well as recording statement of two material prosecution witnesses.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have perused the contents of the FIR and other documents on file.

By considering the custody period of the petitioner since 18.08.2018 and also the fact that out of total 10 prosecution witnesses, 2 material witnesses including the complainant have been examined who have not supported the case of the prosecution, still the trial may take time to conclude, no purpose would be served by keeping the petitioner in custody. Accordingly, this 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.

25.01.2019

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No