

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

**Criminal Misc. No. M-51092 of 2018
Date of decision: 27.02.2019**

Vinod Kumar

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Abhishek Sharma, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana
for the respondent-State.

Daya Chaudhary, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.82 dated 21.08.2015 registered under Sections 302 and 394 IPC and Section 25 of the Arms Act at Police Station Sector 19, Panchkula.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case whereas he was not involved. A false story has been concocted by the Police just to involve the petitioner in a number of cases. The petitioner has been acquitted in other cases and is in custody since 15.09.2015. Learned counsel further submits that on the last date of hearing, statement was made by SI Sushil Kumar that all the prosecution witnesses have been examined except one and that witness has not been examined so far. Still trial may take time to conclude as not only statement of sole witness is to be recorded but statement of accused under Section 313 Cr.P.C. as well as statements of DWs are to be recorded. Learned counsel also submits that in case, the petitioner is released on regular bail, he may defend himself before the trial Court. Learned counsel

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also submits that the petitioner is suffering from Tuberculosis (TB) of Category-2 and has also placed on record certain documents showing his health condition.

Learned State counsel has not disputed the custody period but has opposed grant of regular bail to the petitioner on the ground of seriousness of offence and stage of trial.

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

By considering the submissions made by learned counsel for the petitioner that the petitioner is in custody since 15.09.2015 and in other cases of similar nature, he has been acquitted as mentioned in the petition itself; trial may take time to conclude as one prosecution witness still remains to be examined and thereafter, statement of accused under Section 313 Cr.P.C. and statements of defence witnesses are to be recorded; moreover, the petitioner may get opportunity to defend himself at the time of recording of defence witnesses, the present petition is allowed and the petitioner (Vinod Kumar) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

However, it is made clear that in case the petitioner is found to be involved in any other case of similar nature, the State is at liberty to move an application for cancellation of bail.

27.02.2019
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

Yes