

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

**Criminal Misc. No. M-51579 of 2018
Date of decision: 11.03.2019**

Jasbir alias Ghatra

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Sunil Kumar Jangra, Advocate
for the petitioner.

Mr. R.S. Doon, 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 in case FIR No.0203 dated 18.05.2016 registered under Sections 302, 201, 379, 392 read with Section 34 IPC and Sections 397, 379-B read with Sections 120-B and 34 PC and Section 25/54/59 of the Arms Act added later on at Police Station Sampla, District Rohtak.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR and has been implicated in the case due to personal grudge of the complainant. The petitioner is in custody since 05.11.2016. Two co-accused of the petitioner, namely, Ramesh Kumar and Rakesh have been released on regular bail by this Court vide orders dated 19.12.2017 and 17.04.2018 passed in CRM-M Nos.41591 of 2017 and 10864 of 2018, respectively. Learned counsel further submits that out of

total 24 prosecution witnesses, 13 witnesses including complainant have been examined.

Status report has been filed in the Court and the same is taken on record.

Learned State counsel has not disputed the custody period as well as stage of trial but opposed grant of regular bail to the petitioner on the ground that the case of the petitioner is not at par with his co-accused, who have been released on regular bail. Learned State counsel further submits that six more cases are there against the petitioner and details of those cases have been mentioned in the status report filed today. Learned State counsel also submits that during investigation, while in custody, the petitioner made a disclosure statement, on the basis of which, recovery of *Sua* and an amount of ₹5000/- was effected from him whereas learned counsel for the petitioner submits that there was no injury with *Sua* and the death has occurred due to strangulation with *parna* by Ramesh Kumar and Rakesh, who have been released on regular bail by this Court and the recovery of amount cannot be connected with the petitioner as the currency notes were not identified as belonging to the deceased.

On perusal of details mentioned in the status report, it appears that the petitioner has been acquitted in five cases and has been convicted to pay fine in one case under the Excise Act.

By considering that the petitioner is in custody since 05.11.2016; out of total 24 prosecution witnesses, 13 witnesses including complainant have been examined; still the trial may take time to conclude; no purpose would be served by keeping the petitioner in custody, the

present petition is allowed and the petitioner (Jasbir alias Ghatra) is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

11.03.2019
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No