

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

**Criminal Misc. No. M-52438 of 2018
Date of decision: 27.02.2019**

Mohammed Arif

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. A.S. Brar, 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.1 dated 01.01.2017 registered under Sections 148, 149, 302, 324 IPC and Section 25 of the Arms Act at Police Station Sector-5, Panchkula.

Learned counsel for the petitioner submits that neither the petitioner was named in the FIR nor any role has been attributed to him. The petitioner has been implicated in the case without having any connecting evidence. Learned counsel also submits that two witnesses i.e. PW2 and PW3 have specifically deposed before the Court that they could not identify the persons, who had attacked. The petitioner is in custody since 10.01.2017.

Learned State counsel has not disputed the custody period but submits that all the prosecution witnesses have been examined and now the case is fixed for today itself for recording of statement of accused under Section 313 Cr.P.C.

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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.

Admittedly, the trial is at the fag end as all the prosecution witnesses have been examined and the case before the trial Court was fixed for today itself for recording of statement of accused under Section 313 Cr.P.C, which might have been recorded. Thereafter, statements of defence witnesses would be recorded. Moreover, the case of the petitioner is not at par with his co-accused Rajan.

Accordingly, no ground is made out to release the petitioner on regular bail.

Dismissed.

However, the trial Court is directed to make all efforts to expedite the trial.

27.02.2019
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No