

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

CRM-M No.52504 of 2018

Date of Decision: 30.01.2019

Yad Ram

....Petitioner

Versus

State of Haryana

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Kanwar Satbir Singh, Advocate
for the petitioner.

Mr. R.S. Doon, A.A.G., Haryana.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed by accused petitioner, namely, Yad Ram under Section 439 Cr.P.C for grant of regular bail to him in case FIR No.200 dated 24.04.2015 registered under Sections 148, 149, 302 IPC and Sections 25, 54 and 59 of the Arms Act, 1959 at Police Station Sadar, Bahadurgarh, District Jhajjar during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has undergone custody of approximately three years and seven months and co-accused with the similar role has been released on regular bail by this Court vide order dated 28.08.2018 passed in ***Crl. Misc. No.M-24937 of 2017***, wherein, the custody was three years and four months, whereas, the custody of the present petitioner in the present case is more than three years and seven months. Learned counsel also submits that as per allegations against the petitioner, only *lalkara* was raised but no specific role has been attributed to him. Nothing was recovered from him. There are total 28 prosecution witnesses and only 5 have been examined. The petitioner is

more than 75 years of age and no useful purpose would be served by keeping him in custody.

Learned State counsel has not disputed the custody period and releasing of co-accused Sunil on regular bail. It has also not been disputed that the role of the petitioner is at par with co-accused Sunil.

Heard the arguments of learned counsel for the parties and have also perused the contents of the FIR as well as order passed in case of co-accused.

Accordingly, by considering the custody, which is more than three years and seven months; the fact that the role of the petitioner is at par with co-accused Sunil, who has been released on regular bail vide order dated 28.08.2018; all material witnesses have been examined; still trial may take some time to conclude and no useful purpose would be served by keeping him in custody, the present petition is allowed and petitioner, namely, Yad Ram is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

(DAYA CHAUDHARY)
JUDGE

30.01.2019
gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No