

CRM-M-52829 of 2018

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

CRM-M-52829 of 2018
Date of Decision: 20.02.2019

Deepak @ Debu

....Petitioner

Versus

State of Haryana

....Respondent

CRM-M-2713 of 2019

Rattan Singh and another

....Petitioners

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Himmat Singh Deol, Advocate, for the petitioners.
Mr. Raj Kumar Makkar, Sr. DAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

By this common order, I shall dispose of above-titled two petitions under Section 439 Cr.P.C. for grant of regular bail to the petitioners in a case arising from FIR No.84 dated 31.03.2018 registered under Sections 307, 325, 34, 115, 120-B IPC and Section 25 of the Arms Act, 1959 at Police Station Khol, District Rewari.

According to the prosecution, on 30.03.2018, companions of petitioner, namely, Vikki and one Ankit called Sanjay Kumar son of the complainant. Thereafter, Vikki fired upon Sanjay Kumar and fled away.

Learned counsel for the petitioners *inter alia* contends that petitioners were not named in the FIR. They have been arrested on the basis of disclosure statement of co-accused Pardeep @ Dillu, who has been

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enlarged on bail by this Court vide order dated 16.10.2018 passed in CRM-M-45020 of 2018. Petitioner Deepak @ Debu is in custody since 13.06.2018, whereas Rattan Singh and Babu Lal are in custody since 13.12.2018. Conclusion of trial may take a sufficient long time. No useful purpose would be served by detaining the petitioners in jail any more. Petitioners may also be enlarged on bail on the same parity as that of their aforesaid co-accused.

On the other hand, learned State counsel vehemently opposed the bail applications of the petitioners.

Heard.

On 06.12.2018, CRM-M-52829 of 2018 was adjourned for consideration after recording statements of material witnesses. Despite specific direction, State has not examined the material witnesses on the date fixed before the trial Court prior to today. Since prosecution is not serious in conducting the case, therefore, petitioners cannot be kept behind bars for the fault of the prosecution.

Considering overall facts and circumstances, but without expressing any opinion on the merits of the case, both the petitions are allowed. Consequently, petitioners are ordered to be released on bail during pendency of trial, on their furnishing bail bonds and surety bonds to the satisfaction of Trial Court/Duty Magistrate concerned.

February 20, 2019
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No