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

CRM-M-53482 of 2018

Date of decision: May 17, 2019

Shaukeen

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. G.S. Bedi, Advocate for the petitioner.

Mr. Yashwinder Singh, DAG Haryana.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail to the petitioner, in FIR No.141 dated 02.05.2018, under Sections 323, 506 of the Indian Penal Code, 1860 (for short 'IPC') (Section 307 IPC added later on and Sections 147, 148, 379 IPC deleted later on), registered at Police Station Bilaspur, Gurugram.

It is contended by the learned counsel for the petitioner that he is in custody since 10.07.2018, charges were framed on 05.11.2018 and now the trial is fixed for 09.07.2019. It is also the contention that now the prosecution has moved an application under Section 319 Cr. P.C. and as such, the trial will take long time to be concluded finally.

The above factual position is duly acknowledged by the learned State counsel, on instructions from Assistant Sub Inspector Mohd. Jahibd; however, he opposed the bail petition, primarily, on the ground that petitioner is the main accused and caused injury to the father

of the complainant.

Heard learned counsel for the parties and perused the paper-book.

Concededly, the charges were framed on 05.11.2018 and now the trial is pending for 09.07.2019 and out of total 16 prosecution witnesses, 8 material witnesses are yet to be examined; and the prosecution has moved an application under Section 319 Cr. P.C., therefore, it is apparent that the trial will certainly take a long time. The petitioner has already completed the incarceration of ten months, therefore, there is no justification in keeping the petitioner behind bars anymore.

As a result thereof, this petition is allowed. The petitioner is ordered to be released on bail, in this case, on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

However, it is clarified that petitioner shall fully co-operate with learned trial Court without seeking any unnecessary adjournments.

(MAHABIR SINGH SINDHU)
JUDGE

May 17, 2019

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Whether speaking/ reasoned: **Yes**

Whether Reportable: **Yes**