

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

245

Criminal Misc. No.M-24876 of 2019

Date of decision : 24.09.2019

Pushpender

... Petitioner

Versus

State of Haryana

.. Respondent

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Sumit Sangwan, Advocate for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

Anupinder Singh Grewal, J. (Oral)

The petitioner is seeking regular bail in FIR No.198 dated 28.05.2018, under Sections 148, 149, 302 IPC [Challan presented under Sections 302, 307, 34 IPC and Section 3(2)(v) of the Schedules Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989], registered at Police Station City Dadri, District Charkhi Dadri.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR wherein three co-accused have been specifically named and ascribed role in the commission of the offence. PW-1 Sanjay, PW-2 Khazan Singh, who is the brother of deceased and the complainant, PW-3 Manish and PW-4 Surender have not supported the prosecution case qua the involvement of the petitioner in their deposition before the Court. The petitioner is in custody for over one year and four months and is not involved in any other case.

Learned State counsel upon instructions from ASI Bhim Singh, is not in a position to controvert the submission of learned counsel for the petitioner that the complainant and afore-noted eye-witnesses have not supported the prosecution case qua the involvement of the petitioner. He also states that 12 out of 28 prosecution witnesses have been examined.

Heard.

In view of the submissions of learned counsel for the petitioner especially when the petitioner is in custody for over one year and four months, he is not named in the FIR, he is not involved in any other case, the complainant and afore-noted eye-witnesses have not supported the prosecution case and conclusion of the trial is likely to take sometime, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

September 24, 2019

sonia gugnani

Whether speaking/reasoned	:	Yes
Whether Reportable	:	Yes/No