

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

237

**Crl.Misc. No.M-54473 of 2018
Decided on: 20.3.2019**

Ram Niwas

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Subhash Godara, Advocate, for the petitioner

Mr. Tanuj Sharma, AAG, Haryana

Mr. J.S. Thind, Advocate, for the complainant

Daya Chaudhary, J.(Oral)

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.314 dated 30.9.2015, under Sections 302, 364, 148 and 149 IPC, Sections 25 and 27 of Arms Act, 1959 and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989, registered at Police Station Ellenabad, District Sirsa.

Learned counsel for the petitioner submits that co-accused of the petitioner, namely, Sandeep Sihag, against whom the same allegations were there, was earlier released on interim bail vide order dated 29.11.2018 in Crl. Misc. No. M-14676 of 2018 and the same was made absolute on 11.1.2019. The petitioner is in custody since 1.10.2015. Earlier petition filed by the petitioner was dismissed on 27.6.2016. Learned counsel submits that all prosecution witnesses have been examined and after recording statement of accused under Section 313 Cr.P.C., now the turn is of the defence witnesses.

The petitioner wants to defend by assisting his counsel in case he is released on bail. Thereafter, the case would be fixed for arguments and still trial may take time in final conclusion and no useful purpose would be served by keeping the petitioner behind the bars.

Learned State counsel has not disputed custody of the petitioner since 1.10.2015, status of the trial and release of the co-accused on regular bail but opposed grant of bail on the ground that it is a case of double murder.

Learned counsel for the complainant has filed his memo of appearance, which is taken on record and has vehemently opposed the submissions made by learned counsel for the petitioner.

Keeping in view the custody of the petitioner since 1.10.2015, which is approximately three and a half years and also the facts that co-accused, namely; Sandeep Sihag has already been released on regular bail; statements of defence witnesses are yet to be recorded and thereafter, final arguments in the main case are to be addressed, the petitioner will get the opportunity to assist his counsel in recording of the statements of defence witnesses, the present petition is allowed. Petitioner is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(DAYA CHAUDHARY)
JUDGE

20.3.2018

Ashwani

Speaking/Non-speaking : Yes/No
Reportable/Reasoned : Yes/No