

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

219

CRM-M-29038-2019.

Date of Decision: 27.08.2019.

Phool Kanwar

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. P.S. Ahluwalia, Advocate for the petitioner.

Mr. Ashish Sanghi, Deputy Advocate General, Haryana.

Shekher Dhawan, J.

Present petition under Section 439 of the Criminal Procedure Code is for grant of regular bail to petitioner-Phool Kanwar son of Bhoop Singh in case F.I.R. No.439 dated 04.11.2016 under Sections 302, 307, 506, 148 and 149 of the Indian Penal Code and Section 27 of the Arms Act, registered at Police Station Sadar Sonipat, District Sonipat.

Learned counsel representing petitioner contended that the petitioner is in custody since 19.12.2016 and during trial, all the material witnesses have already been examined and all other accused have already been released on bail by this Court or by the Court of Session. Order dated 05.04.2019 in CRM-M-20598-2018 was passed on the ground that material witnesses have already been examined. Trial of the case still to take some more time and no useful purpose would be served by detaining the petitioner behind the bars, so he be released on bail.

Learned State counsel, on instructions from ASI Dilawar Singh, also conceded that out of 40 prosecution witnesses, 25 have been examined so far and trial of the case is to take some more time.

At this stage, without commenting anything on the merits of the case, which may not cause prejudice to either of the parties at a later stage, but taking the above facts into consideration and the fact the petitioner is in custody since 19.12.2016, material witnesses have already been examined and all other accused have already been released on bail; trial of the case still to take some more time and no useful purpose would be served by detaining the petitioner behind the bars, the present petition is allowed. Petitioner—Phool Kanwar, is ordered to be admitted to regular bail on his furnishing adequate bail bond and surety bond to the satisfaction of concerned learned trial Judge/ Chief Judicial Magistrate/ Duty Magistrate.

(SHEKHER DHAWAN)
JUDGE

27.08.2019
jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No