

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

CRM-M-33944 of 2019  
Date of Decision: 28.08.2019

Sombir @ Lala

....Petitioner

Versus

State of Haryana

...Respondent

**CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present: Mr. Aman Pal, Advocate for the petitioner.

Mr. Arun Beniwal, DAG, Haryana.

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**MAHABIR SINGH SINDHU, J.(Oral)**

Present petition has been filed under Section 439 Cr.P.C. seeking bail pending trial in case FIR No. 190 dated 22.04.2018, under Sections 341, 379-B-395, 397, 307, 506 and 427 of the Indian Penal Code and Sections 25, 54 and 59 of the Arms Act, 1959 registered at Police Station Mahendergarh, District Mahendergarh.

Learned counsel for the petitioner contends that neither petitioner was named in the FIR; nor any injury has been attributed to him, rather he was nominated on the disclosure statement of co-accused-Kulbir @ Kulbeer. Further contends that the co-accused-

Kulbir @ Kulbeer has already been granted the concession of regular bail by this Court vide order dated 05.02.2019 (P-3). Also contends that after investigation in the matter report under Section 173 Cr.P.C. has already been submitted and there are total 26 prosecution witnesses, but only 6 have been examined till date. Further argued that the petitioner is in custody since 15.01.2019 and nothing incriminating has been recovered from him.

The above factual position is duly acknowledged by learned State counsel on instructions from the police official.

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

Since the petitioner was nominated after nine months on the basis of disclosure statement made by co-accused-Kulbir @ Kulbeer and who had also been nominated as an accused on the basis of disclosure statement of other co-accused after a period of 18 days of occurrence. Undisputedly, the petitioner is in custody since 15.01.2019 and the report under Section 173 Cr.P.C. has already been submitted. Out of total 26 prosecution witnesses, only 6 have been examined till date. Thus, trial is likely to take a long time to be concluded and as such no useful purpose would be served by keeping the petitioner behind the bars any more.

In view of the abovesaid circumstances, without expressing any opinion on the merits of the case, this petition is accepted. Petitioner-Sombir @ Lala be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the

learned trial Court/Duty Magistrate concerned.

However, it is made clear that above observations may not be construed as an expression of opinion on the merit of the case pending before learned trial Court.

[MAHABIR SINGH SINDHU]  
JUDGE

August 28, 2019  
*rashmi*

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| Whether speaking/reasoned | Yes/no |
| Whether reportable?       | Yes/no |