

S.No.217

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

CRM-M-33970 of 2019 (O&M)

Date of Decision:09.12.2019

Vikram alias Bhambu

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Jitender Dhanda, Advocate and
Mr. Gobind Dhanda, Advocate
for the petitioner.
Mr. Amrik Narwal, DAG, Haryana.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.114 dated 08.09.2017 registered under Sections 148, 149, 302, 323, 458, 285, 460, 120-B IPC and 25/27 of Arms Act at Police Station Nathusari Chopta.

Learned counsel for the petitioner submits that the case against the petitioner is totally concocted. Even as per the allegations, the petitioner is alleged to be present at the scene of occurrence with a danda. No specific injury is attributed. Only general allegations are levelled that all the accused gave beatings to the deceased. It is further submitted that the fatal injury is attributed to co-accused Subhash alias Channi. The petitioner is in custody since 03.02.2018. The prosecution is proceeding at a very tardy speed. Out of total 40 witnesses, only nine have been examined. The trial is likely to take long time. Still further, it is submitted that the other co-accused, with similar and more grave allegations, have already been released on bail by this Court. Hence, the petitioner deserves to be released on bail.

On the other hand, learned State Counsel, submits that the

petitioner is a habitual offender. He has several cases against him. In the present case also, his participation is positively reflected by the material collected by the Police. However, it is not disputed that the petitioner is alleged to be the only present at the scene of occurrence with a danda and no specific injury is attributed to him. It is also not disputed that the fatal injury is attributed to the co-accused Subhash alias Channi. Still further, it is not disputed that the petitioner is in custody since 03.02.2018 and that only nine witnesses have been examined out of 40 witnesses.

In view of the above, but without commenting upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

December 09, 2019
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No