

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

**CRM-M No.38710 of 2019 (O&M)  
Date of Decision: 30.09.2019**

Vikas @ Sipu

..... Petitioner

*Versus*

State of Haryana

..... Respondent

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

Present: Ms. Sharmila Sharma, Advocate for the petitioner.

Mr. Arun Kumar, AAG, Haryana for the respondent/State.

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

Present petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in case bearing FIR No.147 dated 21.11.2018, under Sections 323, 324, 307, 506, 34 of the Indian Penal Code, 1860 and Sections 25, 54, 59 of the Arms Act, 1959, registered at Police Station Mohana, District Sonapat.

Contentends that petitioner was granted the concession of bail pending trial by learned trial Court, but was arrested subsequently on 30.11.2018 after addition of Section 307, IPC. Also contentends that there is no other criminal case pending against the petitioner and even the complainant-Deepak has already been examined while specifically stating that he could not identify the assailants as he reached subsequent to the occurrence.

The aforesaid factual position is duly acknowledged by learned State Counsel, on instructions from ASI Baljeet Singh, but opposed the present bail application.

Heard both sides and perused the paper-book.

Since petitioner is in custody since 30.11.2018 and trial will take sufficient long time in view of the fact that out of total 15 prosecution witnesses, only 04 have been examined and more particularly, petitioner was granted bail pending trial prior to addition of Section 307, IPC and he never misused the concession of bail, thus, further incarceration of the petitioner will not serve any purpose. Consequently, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

It is clarified that in case there is any recurrence on the part of the petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.

September 30, 2019

Gagan

(MAHABIR SINGH SINDHU)  
JUDGE

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|---------------------------|-----|
| Whether speaking/reasoned | Yes |
| Whether Reportable        | Yes |